Party Polarization and Bipartisan Cosponsorship in the Modern House of Representatives

Matthew Mrozek

GOV 679 HB

Department of Government & Plan II Honors Program

The University of Texas at Austin

May 5th, 2017

Dr. David Prindle, Ph.D.	Dr. John McIver, Ph.D.
Dept. of Government	Dept. of Government
Supervising Professor	Course Instructor/Adviser

Abstract

Author: Matthew M. Mrozek

Title: Party Polarization and Bipartisan Cosponsorship in the Modern House of Representatives

Supervising Professor: Dr. David Prindle, Ph.D.

Perhaps now more than any other time in recent memory, the American political landscape appears to be utterly gripped by polarization. Record delays in Supreme Court nominations and loud, heated battles between the Presidency and Congress, among other features, suggest a deep, troubling political divide that has impacted the production of policy and harmed public trust in government.

But is there reason to suspend the assumption that American politics is entirely characterized by polarization? The predominant measures of Congressional polarization are all roll call vote-based measures, which are informative of legislators' ideologies in the roll call stage, but do not necessarily show stages where legislators are more free to express bipartisan policy positions. Laurel Harbridge has found that while polarization in roll call voting has increased since the 1970's, bipartisanship at the cosponsorship stage in the House of Representatives has remained robust, experiencing a much less rapid rate of decline than has bipartisanship in roll call voting.

This project aims to update Harbridge's findings for the most recent era of Congress following the emergence of the Tea Party/Freedom Caucus. I employ a number of Harbridge's methods to analyze bipartisan cosponsorship, including finding overall change in bipartisan cosponsorship, locating some of that change within different policy areas, and examining cosponsorship by cadres of individual legislators. Finally, I seek to resolve a particularly puzzling finding of recent bipartisan cosponsorship by applying theories of localism to the Republican legislators swept into the House during the 2010 Tea Party wave. Doing so should help to offer a more complete picture of House polarization and what that picture might mean for the future of bipartisanship in Congress.

Table of Contents

Acknowledgements

I would like to thank first my thesis advisers, Dr. Prindle and Dr. McIver. I certainly would not have made it out in one piece without your patience. You were both very kind to me when I felt there was no way I could finish a 70 page thesis. Thanks to you, I did.

I want to express my appreciation to Dr. Laurel Harbridge-Yong, whose book I based this project on, who was gracious enough to allow me to pester her about her book and then sent me a trove of data when I needed it most.

Thanks are due to Dr. Sean Theriault, who greatly shaped my thinking in selecting a direction for my thesis.

Finally, and perhaps most importantly, I'd like to thank some of the few who may ever read this work – Ma, Dad, Joey: thanks for all the support.

To my friends – this process might have been unbearable without you. I won't forget that.

Peace and blessings.

-MMM

Ch. 1: The Problem of Polarization

Two-hundred and ninety-three days can be a mighty long time, depending on what it is you're talking about. It's long enough to play two NFL regular seasons back-to-back. It's long enough to donate blood five times over (waiting the minimum 8 weeks in between donations, of course). It's long enough to listen to the complete Beatles discography 680 times. It is apparently not, in today's divided Congress, long enough to confirm a nominee to the Supreme Court. On March 16th, following the February death of Justice Antonin Scalia, President Obama nominated Merrick Garland to the nation's highest Court. Two-hundred and ninety-three days later, as a consequence of Donald Trump's election to the Presidency, Garland's nomination officially expired. That expiration ended a total wait more than two and a half times longer than that of the previous record holder, Louis Brandeis, who waited a mere 125 days for his turn[1]. But what is remarkable in this historic nomination process isn't just the extraordinary length of the delay itself; it's the implications for governance which stem from *why* the Republican-controlled Senate won't consider Judge Garland.

Hold-ups aren't altogether uncommon in the Supreme Court nomination process. Twenty-nine potential justices have had their nominations rejected or withdrawn out of a total of 151 individuals nominated to the Court. Withdrawals and rejections occur as a result of nominee declinations, concerns over qualifications (as in the case of Harriet Miers), or, as in the case of Reagan nominee Robert Bork, objections to unsavory views or conduct. But this case doesn't seem to fit that mold, which makes his wait unprecedented. Few doubts exist among Senators

[1] Terry Gross, 7 June 2016, "Revisiting the Tenure of Supreme Court Justice Louis Brandeis, The 'Jewish Jefferson'," *NPR*, Interview.

concerning Garland's qualifications or character. In the recent past, staunch Republican Sen. Orrin Hatch has declared the moderate Garland to be a "consensus nominee" should he have been nominated to the Supreme Court.[2] However, in 2016, Senate Republicans refused to hold hearings on Garland because the nomination occurred in an election year, claiming the decision should be one for the next president to make.[3] Many editorial boards of national publications derided the move as wholly political, since six other confirmations have occurred in past election years.[4]

More importantly, Republican Senators had indicated they might leave the vacancy unfilled indefinitely had their Presidential candidate failed to win, though that scenario didn't occur.[5] This threat would have potentially extended an already record-breaking wait to fill Justice Scalia's seat. It would also have ground to a halt a process that is both common and necessary for the functioning of our highest Court. Presidents throughout American history have averaged one Supreme Court nominee every 23 months, so while each nomination is a momentous occasion, it is still relatively routine. The nomination of Garland "plunged the Supreme Court further into the epicenter of partisan politics" and the lengthy delay of any action upon it is a particularly visible example of the high level of polarization in the contemporary political era.[6] Though it was ultimately dismissed, a suit filed by a New Mexico lawyer in an attempt to force the Senate to take up Garland's nomination alleged that their refusal to act "created a constitutional crisis that threatens the balance and separation of power among our

---

[2] Thomas Ferraro, 2010, "Republican would back Garland for Supreme Court," *Reuters.*

[3] Eugene Scott and Ted Barrett, 27 October 2016, "Cruz cites 'long historical precedent' of SCOTUS vacancies, lays ground for potential fight," *CNN.*

[4] White House, 2016, "The Senate's Constitutional Responsibility to Act," White House.gov.

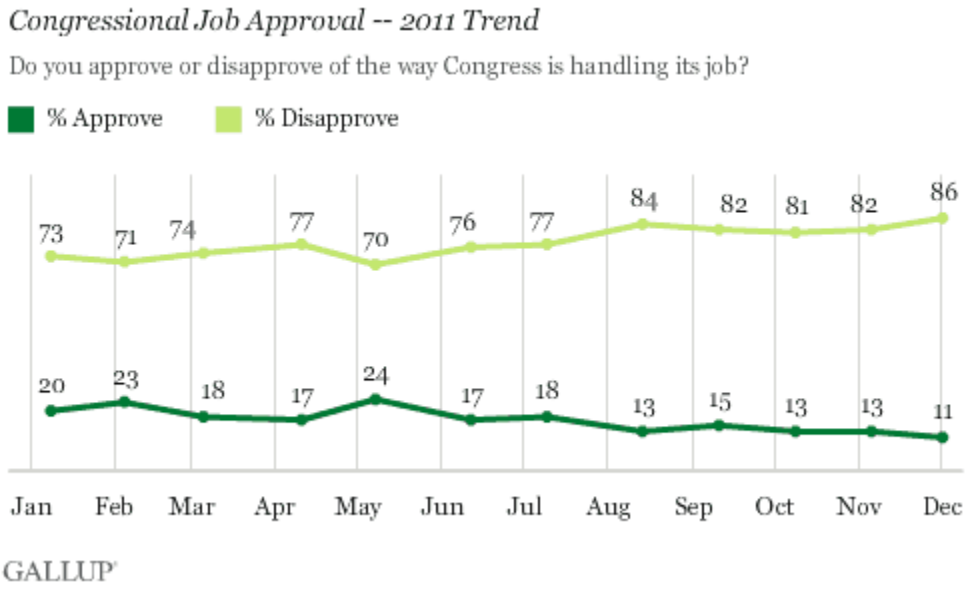
[5] Scott and Barrett, 2016.

[6] Jim Zinn, *Supremely Partisan: How Raw Politics Tips the Scales in the United States Supreme Court,* (United States: Rowman and Littlefield, 2016), 1.

three branches of government" over partisan concerns.[7] Such an accusation presents grave concerns over polarization's detrimental effects even beyond Congress itself. The "non-political" branch now looks to be even more closely linked with partisan concerns as a symptom of the larger problem of political polarization.

Between partisan gridlock, searing criticism of the current President from sitting Representatives of the opposite party, and fierce animus directed toward opposing parties' presidential nominees, party polarization looks to have a tight grip on the American political process. From the Tea Party's 2009-2010 ascension, the ideological distance between Democrats and Republicans appears to have risen sharply as political fights grow fiercer and agreements seem harder to come by. That widening divide has coincided with record disapproval ratings for Congress among the public, spiking to 86% disapproval in three different instances in 2012,

Fig. 1.1 – Congressional Approval Ratings - 2011[8]



[7] Mike Debonis, 26 May 2016, "Sen. Orrin Hatch Reacts to Meeting with Merrick Garland Before It Occurs," *Washington Post.*
[8] Gallup, 2017, "Congress and the Public," Gallup.

2013, and 2015 (Fig. 1.1). From 2003-2005, Congress was averaging a relatively modest 51% disapproval rating, but that rating has plummeted since.[9] Its negative effects don't appear to be limited to damage in public trust of political institutions either. The 113th Congress ending in 2014 passed just 296 laws, leaving it as the second-least productive Congress ever. Only the 112th Congress surpassed it in terms of unproductivity, passing only 283 laws total, compared to a historical average of 396 laws per Congress[10].

Policy execution hasn't only been lacking in terms of total bill production, but also in the timeliness of passing bills considered essential to the country's running. For example, the farm bill, which encompasses agriculture, energy, and food policy, has long been considered 'must-pass' legislation, meaning it is almost always bipartisan. The planned 2012 renewal experienced more than a two year delay from its usual five year renewal timetable along partisan lines over huge cuts to food stamps. Some legislators expressed doubt in 2013 that what had normally been a bipartisan effort could ever be so again given the political climate. And though the farm bill was finally passed in bipartisan fashion in 2014, fears have emerged that what resulted from that long delay might already need a serious overhaul in 2017.[11]

However, despite these prevalent examples of partisan gridlock, assuming that this image of a dominating polarization accurately represents the whole picture of the legislative process might be a mistake. It is conceivable that some visible elements of the legislative process project an image of totally polarized politics, while other important parts of the process largely hidden from public view do not exhibit the same polarized features. If that's the case, a disparity between image and reality might carry different implications for the possibilities of better

[9] Gallup, 2017.
[10] Quorum, 20 December 2016, "Congressional Productivity Increases, But Lags Behind Historical Averages."
[11] Catherine Boudreau, 16 August 2016, "A 2017 Farm Bill?" *Politico*.

governance and restored public trust. If Congressional politics isn't completely polarized, hopes of mitigating polarization's negative effects could still have life. Most legislation passed in Congress still passes with bipartisan support. The underlying questions, then, are: how polarized is our Congress really? And since the entrance of the Tea Party into Congress, can we now say with certainty that the image of high party polarization matches reality? Answering these questions will aid us in making a determination about the possibilities of a more productively bipartisan and less acrimonious legislative climate.

To examine these questions, it is first essential to understand what polarization is so that an appropriate measurement of it might be established. Polarization, for the purposes of this paper, will be defined as a marking of ideological distance between members of the Democratic Party and the Republican Party, as each becomes more ideologically extreme and homogenous. This paper won't impose artificial standards of what precisely constitutes a 'state of polarization'. As much as possible, descriptions of polarization will focus on relative understandings. That is to say, a Congress is more or less polarized if the average ideological distance between its two parties has increased or decreased compared to past Congresses. Similarly, a populace is more or less polarized along liberal-conservative dimensions if their ideological positioning and distance from the views of the opposing side experience a change over time. It could also be that a representative finds him or herself with an ideology in a changed position on the ideological scale compared to their own past positions. If the partisan character of a district shifts, a representative may shift their own beliefs to better accommodate that in a subsequent Congress.

Polarization should also be differentiated from 'partisanship', as the two terms are related but don't mean exactly the same thing. 'Partisanship' will be defined here as allegiance to one

party, a close cousin to party cohesion (how closely members of a party adhere to their party's position on an issue). The term 'bipartisanship' here reflects cooperation between partisan counterparts and the parties to which they belong. Laurel Harbridge defines bipartisanship by three classifications. It is cooperation that can come via genuine, substantive policy agreement between members of different parties; by compromise, where policy positions aren't necessarily agreed upon, but members move closer to each other's position to derive a benefit, like passing important legislation or having a successful legislative record; or by "compromise" where members maintain a position and expect the opposite side to edge closer to that mark.[12] Partisanship may be an outgrowth of polarization, as voters or representatives cluster around a party embodying the views they hold which diverge from those held by an opposing party. But partisanship need not automatically imply polarization—it could come just as easily from actions driven by non-ideological, intra-party relationships, for instance.

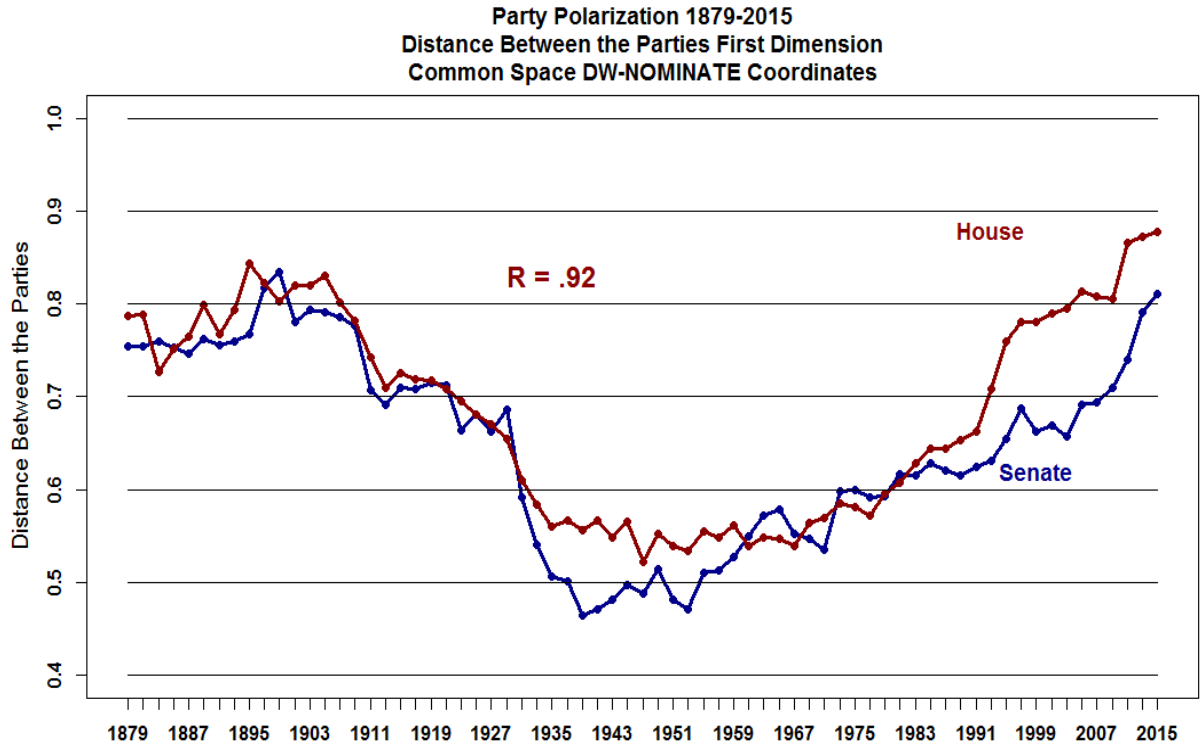
Reviewing the Literature

Roll call vote-based measures have become the predominant operational measure for polarization, especially since the introduction of Keith Poole and Howard Rosenthal's NOMINATE program in 1985's "A Spatial Model for Legislative Roll Call Analysis." This model gives each legislator a score according to each politician's ideal point or ideological position. While generally reliable, the measure does depend on a few assumptions. The two most notable assumptions are that legislators exhibit "sincere voting" patterns and don't vote strategically. It also doesn't account for log-rolling behavior or non-votes and excludes so-called

[12] Laurel Harbridge, 2015, *Is Bipartisanship Dead?,* 19.

'perfect' legislators who vote practically exclusively in a liberal or conservative manner.[13] These omissions don't necessarily mean that the NOMINATE model is wrong – just that it shouldn't be

Fig. 1.2 Poole & Rosenthal's DW-NOMINATE Model [14]



confused as a perfect measure of polarization, as it discounts other elements of the political process and excludes certain elements of the segment of the process that it does cover. Minor imperfections aside, their predictive model for locating ideological positions of Congress-people is widely cited, and the models they have developed and re-tooled (called D-NOMINATE, W-

[13] Keith T. Poole & Howard Rosenthal, May 1985, "A Spatial Model for Legislative Roll Call Analysis," *American Journal of Political Science* 29, no.2: 357-384.

[14] Keith Poole & Howard Rosenthal, 15 January 2017, ""The Collapse of the Voting Structure—Possible Big Trouble Ahead." VoteView.

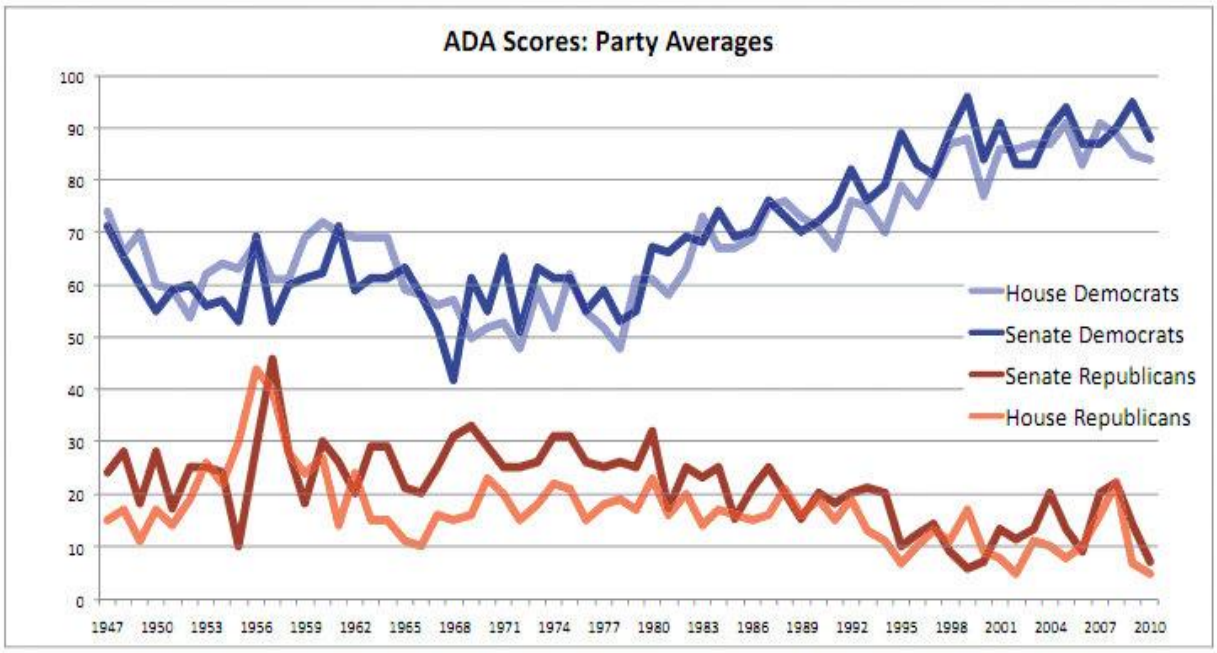
NOMINATE, and DW-NOMINATE) are by far the predominant model in the measurement of party polarization by political scientists.

The NOMINATE model (Fig. 1.2) was the first to show the rise in party voting beginning in the early 1970's.[15] These changes to roll call voting, indicating increased polarization, apply to both the House and Senate and have continued to rise through 2016. The same trends are also reflected by interest group measures. These measures use scores awarded by interest groups as a proxy for ideological position, with two of the most well-known being the Americans for Democratic Action (ADA) scorecard and the American Conservative Union (ACU) scorecard. As groups respectively promoting "progressive" ideals or the "principles of conservatism", their scores essentially mirror one another, showing the extent of liberal or conservative ideology based on a selection of 20 votes that each interest group picks as representative examples of a liberal or conservative choice. For example, in 2015, the ADA selected votes on the defunding of Planned Parenthood (a "no" vote was a good thing on this scorecard) and a ceremonial approval of the Iran nuclear deal among 18 others to represent political liberalism.

Interest group scores are considered to be coarser than NOMINATE results, as interest groups likely select votes for consideration which tend to clump legislators at extremes, but they do reinforce NOMINATE's indicated pattern of polarization.[16] Average scorecard numbers for each party have continued to diverge; more Democrats adhere more rigidly to the 'liberal' side of a vote (at least in these twenty yearly selected cases), while more Republicans stick to the conservative side of the vote, signaling a growing ideological divide (Fig. 1.3). Other more limited measurements using elements like campaign contributions or amicus curiae filings

[15] Sean Theriault, *Party Polarization in Congress*. (United States: Cambridge University Press, 2008).
[16] James Snyder, 1992, "Artificial Extremism in Interest Group Ratings." *Legislative Studies Quarterly* 17, no.3: 319-45.

Fig. 1.3 Interest Group Ratings - Americans for Democratic Action ratings over time[17]



from House and Senate Legal Committees further indicate that the two parties are increasingly polarized and divided.[18]

However, contention arises over whether this demonstration of polarization in roll call votes also necessarily demonstrates that legislators and the legislative process have become polarized in all respects. E. Scott Adler and John Wilkerson in *Congress and the Politics of Problem Solving* downplay the notion that roll call vote-based measures offer a complete picture of the legislative process. They portray Congress as a problem-solving body rather than a policy-making body and propose that "the most important decision to make is which decision to

[17] Americans for Democratic Action, 2010, "The ADA 2010 Voting Record: 111th Congress, 2nd Session," ADA.
[18] Adam Bonica, 2014, "Mapping the Ideological Marketplace." *American Journal of Political Science* 58(2): 367-86. And Neal Devins, 2015, "Measuring Party Polarization in Congress: Lessons from Congressional Participation as Amicus Curiae," *Case Western Reserve Law Review* 65(4): 933-1026.

consider."[19]That assertion implies that those party leaders in agenda-setting roles wield a great deal of power. Holding power over which decisions to consider could help ensure that the options available to choose from are mainly polarizing and result in partisan votes, a filter which would affect our understanding of polarization in roll call votes. In fact, Cox and McCubbins have shown that parties aggressively use agenda-setting powers in the House as a powerful tool.[20]

Prior research also suggests that roll call votes offer just one restricted sample of voting behavior to the exclusion of other behaviors and processes.[21] For instance, polarized behavior in roll call votes does not necessarily appear simultaneously in committee politics.[22] That finding reflects the limited reach of conclusions afforded by roll call vote-based measures. In considering the larger state of polarization, this suggestion gives great power to the role of legislative agenda-setting as a potential obfuscator of the meaning of roll call votes.

Laurel Harbridge, first in 2011's "Congressional Agenda Control and the Decline of Bipartisan Coordination" and again in 2015's *Is Bipartisanship Dead?*, similarly suggests that looking at roll call data alone to measure polarization fails to tell the whole story. She finds that, in spite of the increasing party polarization in House roll call votes from the 1970's onward, in the period from 1973-2004, bipartisan cosponsorship of legislation remained robust.[23] So why

---

[19] E. Scott Adler and John D. Wilkerson, *Congress and the Politics of Problem-Solving*. (New York: Cambridge University Press, 2012), 9.

[20] Gary W. Cox and Mathew D. McCubbins, *Setting the Agenda: Responsible Party Government in the House of Representatives*, (New York: Cambridge University Press, 2005).

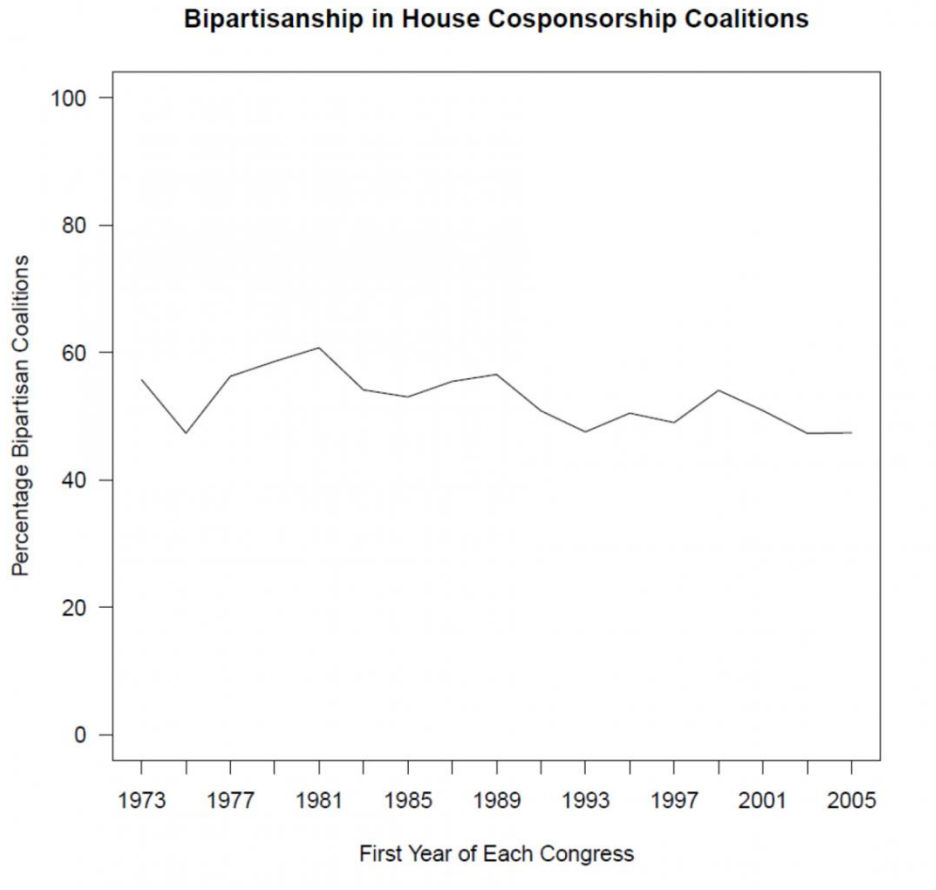
[21] Clifford Carrubba and Matthew Gabel, 2008, "Legislative Voting Behavior, Seen and Unseen: A Theory of Roll-Call Vote Selection," *Legislative Studies Quarterly* 33(4): 543-572.

[22] Jamie Carson, et al, 2010 "Consensus, Conflict, and Partisanship in House Decision Making: A Bill-Level Examination of Committee and Floor Behavior," *Congress and the Presidency* 37(3): 231-253

[23] Harbridge, *Is Bipartisanship Dead?,* 33-34.

then does party polarization appear to be so dominating? Harbridge proposes that rigorous agenda-setting by House party leaders favors partisan legislation over bipartisan legislation. Because of this bias, polarization as captured in roll call votes shouldn't automatically be taken

Fig. 1.4 – Persistence of Bipartisan Cosponsorship Over Time[24]



as a pure expression of members' ideological positions. Her assertions contradict previous beliefs that party leaders generally try to make party members appear more moderate.[25]

This discovery matters in determining the extent of polarization's grasp. Paired with Adler & Wilkerson's view of Congress as a problem-solving body, Harbridge's findings de-

[24] Laurel Harbridge, 4 May 2015, "Congress is more bipartisan than you think," *Washington Post.*
[25] Snyder, 1992.

emphasize the presence and import of a seeming increase in party polarization from the 1970's onward. The idea that the most important decision is about what to put on the agenda, combined with increasing favoritism toward partisan legislation by party leaders, means that polarization as captured in roll call votes isn't necessarily an uninfluenced expression of members' ideological positions. If members are increasingly constrained to making choices on bills that are partisan, and party leaders have some sway over their fellow party members, then the results of roll call votes are likely to reveal increasing polarization, even when members might have made less polarized choices given more freedom.

However, Harbridge bases her full set of results on data ending in 2004 as a function of certain unavailable data, which of course means many of her tests do not include the Congresses that have occurred since the emergence of the Tea Party[26]. She does note that overall bipartisan bill cosponsorship in the House has declined during the Obama presidency. Her preliminary observations about the state of bipartisan bill cosponsorship coalitions in the Tea Party era suggest a potentially more thorough, pervasive polarization, but further inquiry is needed to confirm that change. Basically, the trend for forty years was continued bipartisanship during the cosponsorship stage. Was a downturn from 2005-2012 anomalous, or part of a lengthier trend?

I aim to answer this question in order to understand just how polarized the two parties really are. The process of arriving at that answer and usefully applying it will be divided into four chapters.

[26] Harbridge truncates her period for analysis at 2004 as a result of incomplete data on issue content in bills and the matching of bills to roll call votes. These facets don't impact all of her tests, but for purposes of uniformity, her end period is 2004. She pulls her data from a number of sources, including the Policy Agendas Project and data collected by James Fowler in "Connecting the Congress: A Study of Cosponsorship Networks," and David Rohde at the Political Institutions and Public Choice Program.

Ch. 1 – The Problem of Polarization

This first chapter serves as an introduction to the key question. I hope to have demonstrated that an acrimonious Congressional climate, sinking Congressional productivity, and miserable Congressional approval ratings, all of which have co-occurred with an apparent rise in polarization in roll call votes, present a problem worthy of study and concern. The belief that an increasingly polarized Congress has also become increasingly ineffectual means that the extent of that polarization must be more fully explored if the connection is to be verified and the cause of ineffectiveness is to be addressed. Predominant methods of measuring polarization do not tell the whole story of apparent polarization. Developing a more complete set of information will help in obtaining a solution.

These roll call vote-based measurements tell us something very important: that polarization has increased at one of the final and arguably most important stages of bill enactment, in the roll call vote stage. But these measures aren't problem free. Treating their results as definitive, holistic measurements of party polarization potentially diminishes the importance of other stages where bipartisanship, or displays of mollified party polarization, might also appear. That means that ascertaining the full extent of polarization, and thus its effects on the enactment of laws, requires an additional measurement to fill in some of these gaps.

Ch. 2 – Laurel Harbridge & Bipartisan Cosponsorship: an Alternative Approach to Measuring Polarization

The second chapter of this paper is devoted to laying out the measurement which I believe can help complement roll call vote-based measures by avoiding some of the same

problems. I will be outlining more fully the method used by Laurel Harbridge. She examines bill cosponsorship coalitions to identify bipartisanship otherwise obscured by roll call vote-based measures. These coalitions are meaningful expressions of member position in that they have costs and "speak to policy agreement among signing members" and they are free from partisan filters related to the agenda-setting powers of House leaders.[27] They can thus capture an important element left out of these roll call vote-based measures which can tell us with more clarity to what extent the modern House of Representatives is polarized.

Dr. Harbridge, in *Is Bipartisanship Dead?*, produces a theoretical framework to undergird her results. In chapter 2, I explain that theoretical framework, which pertains to the strategic agenda-setting employed by party leaders that leads to more polarized roll call voting patterns. In essence, conditions which cause House leaders to select more partisan agendas may alter the significance of resulting roll call votes as they pertain to polarization. An understanding of that framework will be critical both to understanding her findings, and to explaining the utility of the tests I perform in the chapter following. She uses a number of tests of bipartisan bill cosponsorship coalitions to find that the rate of decline in bipartisanship is less steep than it is portrayed by roll call vote-based measures. Among these are tests of bipartisan bill cosponsorship over time across all House bills, of cosponsorship by policy area, and of bipartisan cosponsorship by members. By summarizing Dr. Harbridge's findings, I will set the stage for my own analysis in using her measure and approach to answer my key questions concerning the extent of polarization in the modern House.

[27] Harbridge, *Is Bipartisanship Dead?,* 25.

Ch. 3 - Assessing Bipartisan Cosponsorship in the Tea Party Era

The third chapter of the paper consists of the tests I use to measure bipartisan cosponsorship coalitions in the period following Dr. Harbridge's analysis and the results emerging from them. I use three of her measures or variants of her measures to answer my question. First, I update Harbridge's findings on the overall frequency of bipartisan cosponsorship coalitions across all House bills. While Harbridge officially ends her analysis with the 108th Congress ending in 2004, in speculating on the future of bipartisanship, she finds that the frequency of bipartisan cosponsorship has declined substantially in the period from 2007-2012—around the time the Tea Party ascended.

However, because she ends that analysis with the 112th Congress, I have two Congresses to collect data on and analyze to determine if that trend has held or worsened. For these two Congresses, I sort through all House bills receiving cosponsorships and classify them as partisan or bipartisan on my own using Harbridge's metric – whether 20% of a bill's cosponsors come from the party opposite the original sponsor. I examine bills introduced in these four years via data collected from GovTrack.us. Detecting a rise or a flattening in overall bipartisan cosponsorship will affect analysis of that period based on Harbridge's theoretical framework. In essence, it would signal that some condition had changed which caused members to re-engage in bipartisan cosponsorship, like a softening of ideological polarization or a shift in direction by party leaders who have at times discouraged bipartisan cosponsorship among members.[28]

Another of these measures gauges bill cosponsorship by policy area. This enables me to ascertain the relation of trends in cosponsorship to specific policy areas, categorized between

[28] Harbridge, *Is Bipartisanship Dead?,* 181.

high-bipartisan, medium-bipartisan, and low bipartisan areas. Consider, for instance, a case where bipartisanship in cosponsorship is extremely robust for an important area like Education but was very weak in something like Space policy. In that case, bipartisan cosponsorship would be extremely meaningful, as polarization wouldn't have prevented cooperation between parties in a critical policy area, even if agreement was lacking in a more marginal area. Seeing where bipartisanship (or entrenched hyper-partisanship) exists is key to understanding the meaning of that partisanship and how that partisanship bears on polarization.

Harbridge tests 19 policy areas, from Health to Labor to Civil Rights. Time and resource constraints limit me to testing three areas, in Transportation, Foreign Trade, and Social Welfare legislation. Without the time required to learn the coding schema used by the Congressional Bills Project, from which Harbridge takes her data, I pull data from GovTrack.us, which employs its own coding scheme with many of the same categories. This involves looking at those bills of this issue type receiving a cosponsorship, classifying each as bipartisan or partisan by Harbridge's standard of 20% opposite party cosponsors, and then relating those findings to the trend lines found by Harbridge for these policy areas.

I also perform a test of cosponsorship by member. This offers a more qualitative understanding of trends involving certain House members who are most likely to be high bipartisan legislators. Once more, I decide to depart from Harbridge's exact path, as following her would require analysis of something north of 80,000 individual bill cosponsorships per Congress to find percentages for all individual legislators. Looking at a selection of high bipartisan legislators, derived from legislators in the most highly competitive districts in an election cycle, will point to how an important group of legislators germane to the discussion of increasing polarization have fared lately.

Ch. 4 – Localism, the Tea Party, and What Lies Ahead

After presenting results from these tests, I propose a theoretical explanation for those results. In beginning my research, I suspected that bipartisan cosponsorship would have declined to more closely mirror the rise in roll call vote polarization, contrary to Harbridge's findings for the period from 1973-2004. I also believed that at least some of the cadre of most bipartisan members of Congress will have declined in their rate of bipartisan cosponsorship. I wasn't quite sure what to expect as to bipartisan cosponsorship in different policy areas; that could really have gone either way, depending on the policy area. While the results ultimately supported much of my hypothesis, an important, puzzling trend counter to my initial predictions did crop up. This fourth chapter delves into these results and proposes a possible explanation for this curious trend using theories of localism, or the tendency for lawmakers to favor district level interests over national interests.

The last chapter also serves as a discussion of what all this means for polarization and Congress in the future. Some of these negative results suggest a more thoroughly polarized House. At the same time, certain recent changes revealed by these results also provide reason to believe that, while more polarized, room for bipartisanship persists, and polarization might not run so deep as the predominant images of today's Congress might suggest.

This project aims to offer a more complete understanding of polarization via Harbridge's measurement of bipartisanship. The potential of roll call vote-based measures to distort our picture of Congress as one strictly characterized by partisan disagreement—by, for example,

eliminating from the data pool unanimous/near-unanimous votes[29]—urges our caution before proclaiming a state of total polarization on that basis.[30] Because of the incomplete picture we receive from roll call votes, it is essential to examine Congress beyond that one potentially skewed sample before we issue judgement and promote a flawed understanding of the political process. Marrying certain explanations of Congressional behavior to this newly incorporated dimension of the process should yield greater clarity for the modern House era, in which substantial change seems to have occurred.

[29] Poole and Rosenthal leave out unanimous and near-unanimous roll calls because their model would then place ideological midpoints at infinity and thus outside of a sensible range (Poole & Rosenthal 1983, 20).
[30] Carson et al., 2010.

Ch.2 - Laurel Harbridge & Bipartisan Cosponsorship: an Alternative Approach to Measuring Polarization

In order to arrive at a point where current House polarization can be assessed, it is critical to understand fully what Harbridge's findings mean and the way in which she arrives at her conclusions. In *Is Bipartisanship Dead?*, she argues that an understanding of polarization which emerges only from examining roll call votes doesn't supply a complete picture of Congressional polarization. Looking at bipartisan cosponsorship coalitions is her way of addressing this perceptual shortcoming. To explain and support her approach through cosponsorship coalitions, Harbridge develops a theoretical framework to test in subsequent chapters. By articulating the role of strategic partisan agenda-setting and the circumstances of its use, she clears the way for greater comprehension of why polarization in roll call voting looks the way it does, and why bipartisan cosponsorship is an appropriate complement to roll call vote-based measures in ascertaining the extent of polarization.

The first wing of Harbridge's theory involves the idea that the content of a legislative agenda influences the way members vote. In uniting the agenda-setting scholarship of Cox & McCubbins and the proposition by Adler & Wilkerson that "the most important decision to make is which decision to consider", she explains that changes in the content of a legislative agenda can affect the likelihood of bipartisan votes. Those in charge of setting the agenda have the power to structure debate and conflict, avoiding, for instance, questions which would divide their own party or promote addressing questions which unite their party.[31] This in turn means that

[31] Laurel Harbridge, *Is Bipartisanship Dead?,* (New York: Cambridge University Press, 2015), 44.

members might appear more or less bipartisan in their roll call votes because of this agenda – even as they express lesser degrees of polarization in pursuing bipartisanship in cosponsorship. Thus, more partisan agenda setting could help explain a marked increase in polarization in roll call votes, even where bipartisan cosponsorship still persisted. Partisan agenda-setting is also made easier when, in the majority party, the numbers of cross-pressured members – members in competitive districts, where conservative and liberal voters mostly balance one another – are low. With fewer vulnerable party members to worry about, the costs to individual members are lower when leadership selects a partisan agenda and exposes them to that risk. Such is the case today – only 13% of seats are likely to be competitive in 2018[32].

The second key aspect of Harbridge's framework relates to the balancing of individual and collective goals by members of Congress. Representatives must constantly engage in a balancing act not only between promoting policy goals and attaining re-election, but between those personal interests and the larger interests of the party, which are necessary for obtaining those results. Their first duty, and the most immediately important one as far as re-election goes, is to their district constituents. The second is to the party which, via organizing and central leadership, orchestrates opportunities for passage of legislation to help those constituents—though these two interests don't always overlap. For that reason, members find it necessary to cede power to party leaders.[33] For both of these duties, representatives must demonstrate that their ideological priorities at least mostly align with the people on whom they rely for success—their constituents and fellow party members. Harbridge notes that the nature of roll call votes in

[32] Cook Political Report. 1 May 2017, "2018 House Race Ratings for May 1st, 2017," *Cook Political Report,* http://cookpolitical.com/house/charts/race-ratings

[33] Harbridge, *Is Bipartisanship Dead?,* 50.

light of the presence of agenda-setting tools imposes some constraints on members which ensure that collective interests (i.e. party alignment and uniformity) rise in importance.

Party members may pursue bipartisan avenues to achieve policy goals where they have the most freedom – like in the cosponsorship stage, where "members' individual interests dominate".[34] However, the successive barriers of committee politics, getting a spot on the roll call agenda, and receiving a vote often filter out those bipartisan proposals. When left with only partisan options on which to vote, members need strong individual interest to buck the collective interests of the party, which often serve the member elsewhere. In these cases, some avenues for bipartisanship, like voting down a partisan bill within your party and calling instead for a vote on a bipartisan bill, are made much less attractive by the potential penalties for violating party uniformity.

Harbridge explains third that parties have incentives to create records of legislative success, which typically requires the presence of bipartisan legislation. Though scholars disagree on the extent to which legislators attend to institutional performance, many agree that performance is a consideration for legislators, who often cite their legislative accomplishments in newsletters to constituents.[35] Bipartisan legislation is easier to pass than partisan legislation because of the decreased political transaction costs of doing so. Not only is cosponsorship a valuable key for House leaders in scheduling their agenda – especially in those situations where good governance and legislative productivity is a priority for leadership– but diverse, *bipartisan* cosponsorship can serve as a signal of a very low political transaction cost. That is to say, the

[34] Harbridge, *Is Bipartisanship Dead?,* 47.
[35] Ibid., 52.

need for political fighting over the bill's content later on is decreased if legislators from both parties evidently agree beforehand.[36]

This should also be true in situations where the majority party's seat share over the minority party is slim. This fact explains the presence of bipartisan legislation on a legislative agenda otherwise controlled by party leaders. It also helps explain a lack of bipartisan legislation placed on the agenda where majority seat shares are large. With greater margins comes a greater allowance for defections, meaning more partisan legislation can expect to be passed given increased opportunities to keep hold of a cohesive majority coalition.

Finally, the fourth pillar of Harbridge's framework is that by utilizing agenda-setting tools, leaders can orchestrate partisan conflict to aid in party brand building. The manipulation of a legislative agenda—for instance, by controlling what type of legislation comes up for a roll call vote—gives parties a chance to highlight differences between them and the opposition. Such action sends signals to the public about where the majority party stands. For the party in control of the agenda, that means getting out their message to voters and interest groups. Plus, it represents a form of censorship of the minority party. If the majority denies a platform on the roll call agenda for bipartisan legislation, they maintain the cohesiveness of their own message and either impede the opposition's attempt to craft a message or blunt that opposing message's impact. For example, a majority party would find it advantageous, unless they saw distinct benefits to promoting the good governance of the third theoretical pillar, to close off opportunities for public discussion (e.g. votes, public debate) of issues on which the minority party and the public agree.

---

6. Gregory Koger, May 2003, "Position Taking and Cosponsorship in the U.S. House," Legislative Studies Quarterly 28(2), 228.

Not only is agenda-setting used to protect members in the majority party, as explained by Harbridge's third pillar, but the mechanics of drawing differences between parties serves an offensive goal as well. Selecting a tough vote on partisan lines, by scheduling a partisan version of a gun bill rather than one attracting bipartisan support, for example, can force the most moderate members of the opposing party into a difficult position. They must take a public, recorded stance on an issue potentially divisive in their district; and because these 'most moderate' members are typically situated in competitive districts, this has the potential to harm an unsafe representative's chance at re-election. Companion to this notion is the ideological extremity of primary voters, who pull candidates away from the center and toward the margins. Appealing to this base doubly complicates partisan votes for cross-pressured members, who are forced to take a stance potentially punishable by their district constituents, ideological primary voters, and their party all at one time. The fact that roll call votes, as opposed to voice votes, are recorded, making roll call votes a primary battleground of intentional party conflict is critical to this theoretical underpinning. The fourth bulwark of this framework shows that partisanship isn't simply the result of different ideological preferences, but is a strategic choice in itself.[37]

Pulling these pillars together helps explain agenda-setting behavior, according to the shifting makeup of party leadership, united/divided government, and importance of a successful legislative record relative to the value of adhering to a less practicable ideological platform. Essentially, the first pillar tells us how agenda-setting and content bears so importantly on voting patterns. By structuring debate and conflict, the agenda serves as a critical tool for leadership in realizing policy aims and preventing the realization of the opposition's goals, and thus is a primary determinant of whether roll call voting patterns appear partisan or bipartisan. That will

[37] Harbridge*, Is Bipartisanship Dead?,* 55.

help us explain in part the rise of partisanship in roll call votes. The other pillars shed light on the various considerations leaders must make, which will then characterize the agenda as partisan or bipartisan, and why various measures of bipartisan cosponsorship then help test the hypotheses stemming from her framework.

First, leaders and party members must balance their individual and collective goals relating to policy and re-election. This balancing is ultimately about being on the right side of the issue. For members, that means taking positions where possible to support policies they desire and signal to their constituents that they *are* on the right side. Because cosponsorship is a move with costs, it can be taken as a credible signal of support for a policy or a bipartisan approach to an issue.[38] The cosponsorship stage is also a time of relative freedom. Members can cosponsor what they wish and seek cosponsors for their own legislation. However, collective party goals impose a filter at the voting stage, often selecting more partisan bills to receive a vote. Bipartisanship at the cosponsorship stage, where the same constraints aren't present, is thus a sensible place to start looking if we are going to peer beyond surface roll call votes to ascertain the full state of polarization.

Party leaders must match their desire for enacting legislation that reflects their ideological goals with minimizing costs to cross-pressured members. Harbridge hypothesizes that times of greater numbers of "unsorted" districts (and therefore, cross pressured members) are likelier to see greater favor in the roll call agenda toward bipartisan legislation. By the same token, leaders should favor partisan legislation in times of increased sorting. Promoting partisan

[38] Scott Desposato, et al., 2011. "Using Cosponsorship to Estimate Ideal Points," *Legislative Studies Quarterly,* 36(4), 531-565.

conflict through the agenda might previously have trapped more moderate party members in difficult positions, but having fewer cross-pressured members diminishes those costs.

Second, because party leaders must be conscious of creating a record of legislative success, institutional context matters in the formation of a partisan or bipartisan roll call agenda. Because seat share of the majority affects passage of bills, she postulates that small seat shares will see more bipartisan legislation brought to vote where leaders prioritize governance. Divided government, which affects bill enactment by making partisan legislation cross more hurdles, factors into institutional performance as well. So periods with larger seat shares or unified government ought to see partisan legislation advantaged over bipartisan legislation to a greater extent, while bipartisan legislation will be advantaged over partisan legislation to a greater extent in times of small seat shares or divided government.

Finally, because parties both derive benefits and can impose costs on their opponent by staking out different positions on issues, "the degree of district-party sorting within both parties, not just within the majority party, drives agenda-setting."[39] When districts for both parties are highly sorted—which Mo Fiorina suggests is the case today[40]—pursuing partisan legislation becomes more attractive as those party benefits and opponent costs increase. Furthermore, those benefits of maintaining cohesion by taking opposing positions on issues should also mean that different issue areas will see larger shifts toward partisan agendas. If a majority party 'owns' an issue, or has the public's support for their position, the likelihood that leadership will pursue a partisan agenda in that realm should increase. And because roll call votes are the primary way to

[39] Harbridge, *Is Bipartisanship Dead?,* 60.
[40] Alan I. Abramowitz & Morris P. Fiorina, 11 March 2013, "Polarized or Sorted? Just What's Wrong With Our Politics, Anyway?", *The American Interest.*

punish moderate opposing party members (who are forced to take a position on an issue cleaving their district), those partisan differences should be most apparent in that roll call vote record.

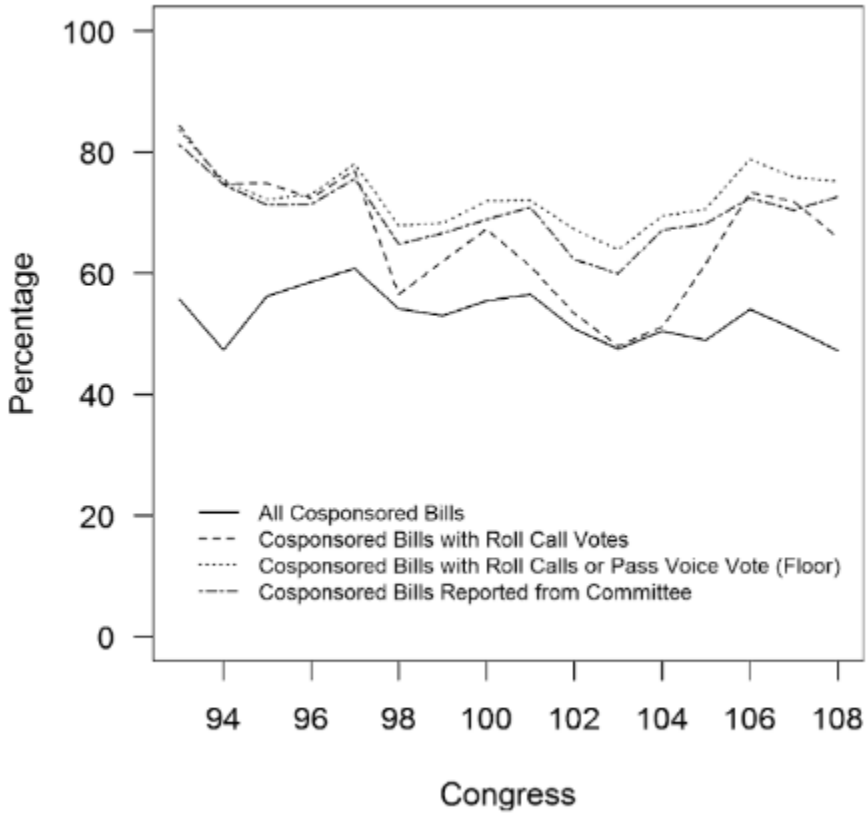
However, she is careful to note that the outcome of these strategies is dependent on how leaders prioritize these three goals of governance/legislative success, partisan differentiation, and the balancing of individual and collective goals within the party. She explains that the larger the seat share of the majority party, the more attractive partisan legislation is. But if party leadership attaches more weight to party differentiation and branding, then staking out partisan positions and selecting partisan bills to put up for a vote might occur whether or not the seat share is sizable. Furthermore, goals like governance can be shifted up or down the priority list. An informed public that wants action—any action—where polarized gridlock has otherwise prevented it could have the power to threaten a majority party electorally, causing them to place greater attention on passing legislation. Or a public wary of information provided by the media and unsure of whose "fault" gridlock is could confound that principle, freeing leaders to focus on party branding and the scheduling of more partisan legislation.

Harbridge's Findings

Harbridge sets out to test her theory by looking at bipartisan cosponsorship and roll call attention through several frames. Her findings can then be used to gain insight into the interaction of bipartisan cosponsored legislation and the roll call agenda. They will also provide models for the measures of bipartisan cosponsorship which will help illuminate the status of polarization in our current era of Congress.

One of her first moves is to test the previously-held assumption that bipartisan bills are more likely to receive attention at successive stages than partisan bills. She begins by classifying all cosponsored bills receiving roll call votes for bipartisanship. Once again, if at least 20% of those cosponsors come from the party opposite the original sponsor, then that bill is classified as "bipartisan cosponsored." Harbridge finds that from the 93rd Congress to the 103rd (1973-1994),

Fig. 2.1 – Bipartisan Cosponsorship by Legislative Stages[41]



bipartisan bills' share of legislation receiving a roll call declined from about 82% in the 93rd Congress ('73-74) to around 50% in the 103rd Congress, before rising again from the 104th to 107th Congress (1995-2002) (Fig. 2.1).

[41] Harbridge, *Is Bipartisanship Dead?,* 66.

This result offers support to several of Harbridge's hypotheses. First, bipartisan cosponsored legislation is still more likely to receive a vote than partisan cosponsored legislation. This reflects that perceptions of good governance play a role in agenda-setting and that bipartisan cosponsored legislation has lower transaction costs. It also serves as a useful reminder that bipartisan cosponsorship is no guarantee of successful passage. Even where close to 80% of cosponsored bills receiving a roll call vote were bipartisan cosponsored, actual partisan polarization in the vote outcome was at a nearly 50 year high by DW-NOMINATE scores (Fig. 1.2). The significant variation – from 80% bipartisan cosponsored bills in the 94th Congress to around 60% in the 103rd Congress – in roll call attention for cosponsored bills points to the significant partisan effects of agenda-setting. Moreover, the gap between the percentage of bipartisan cosponsored bills receiving roll call attention and those reported from committee bolster her theory that roll call voting is where the bulk effect of partisan agenda-setting will appear.[42]

Here is where balancing seemingly disparate ideas can become difficult. These results from Harbridge indicate that even if the placement of bipartisan cosponsored legislation on a roll call agenda has suffered (in some periods, severely), more than half of all legislation that makes it to subsequent stages still belongs to that bipartisan category as of the 108th Congress. But if polarization in roll call votes has increased, even while the presence of bipartisan cosponsored legislation has, though diminished, remained prevalent, why even pay attention to bipartisan cosponsorship? Why does this result matter if it looks like bipartisan cosponsored bills still have a place on the roll call agenda?

[42] Harbridge, *Is Bipartisanship Dead?,* 67.

The reason these results matter is that they show that leaders do pay attention to bipartisan cosponsorship. Passage doesn't always pan out for bipartisan cosponsored bills. Bipartisanship in the cosponsorship stage might come from regional bipartisan interest, like bills relating to public lands or energy affecting one region in particular, where that issue position doesn't pervade the rest of the party. Or content changes in subsequent stages might lead cosponsors to withdraw support or vote down their own bill later on, as was the case for 76 Representatives who voted against the USA Freedom Act of 2014, an NSA reform bill they had previously cosponsored.[43] But leaders clearly recognize the increased potential for bipartisanship (and ultimately, passage) with this signal and continue to save a place on the roll call agenda for this legislation, reduced in size though it may be. This suggests both that good governance is still a concern under the right conditions and that cosponsorship is something we ought to look at as a credible form of bipartisanship. That then reinforces the significance of a maintenance, increase, or decline in the rate of contemporary bipartisan cosponsorship.

Harbridge checks her theory on the effect of sorted districts, unified/divided government, and majority seat share on receiving a roll call vote for bipartisan legislation. She utilizes an Average Treatment Effect, which shows the favorability of bipartisan legislation in relation to partisan legislation by percentage of sorted districts, unified/divided government, and majority seat share. She finds that, as she had predicted, the lower the percentage of sorted districts, the more favorable bipartisan cosponsored legislation is, while higher percentages of sorted districts free party leaders to favor partisan legislation on the roll call agenda. She also finds little effect from unified or divided government; bipartisan legislation is typically favored in either context. But seat share *is* an indicator of increased favoring of partisan or bipartisan cosponsored

[43] Andrea Peterson, 22 May 2014, "Why 76 lawmakers just voted against their own bill to reform the NSA," *Washington Post*.

legislation. Small seat shares advantage bipartisan legislation, but when majority seat share grows, that advantage disappears. This means that overall, we should see the likelihood of partisan legislation appearing on the roll call agenda grow where districts are more sorted and where majorities are larger. Information of this sort is valuable for explaining roll call polarizationin today's Congresses, considering today's increased sorting and the high seat shares held by House Republicans after 2010.

Harbridge also breaks down bipartisan cosponsorship by policy area, from policy areas in the least bipartisan category to the most bipartisan category. Defense, Space/Technology, and Transportation top the most bipartisan category, at 64%, 62%, and 61.9%. Civil Rights, Labor, and Social Welfare represent the least bipartisan types of legislation, at 39.3%, 40.3% and 43.8%. While she does perform the same Average Treatment Effect for these categories of policy areas, I don't look closely at roll call attention of bipartisan legislation by policy area, so reporting her findings there doesn't bear on my process. I do mention this part of her analysis because I use the same categories in my own policy area measures and analyses in the following chapter, just in the pursuit of locating overall changes in bipartisan cosponsorship.

Finally, Harbridge compiles statistics on bipartisan cosponsorship by individual members of Congress. This approach captures cosponsorship behavior of all individual legislators, who receive percentage scores according to the percentage of legislation they cosponsor that qualifies as bipartisan cosponsored. Maximum bipartisanship and average bipartisanship by member experienced slight declines from the 93rd to 108th Congress, but minimum bipartisanship actually crept up (Fig. 2.2). Most importantly, the mean bipartisanship never fell below 55.6%, meaning that the average member for those 16 Congresses cosponsored bipartisan legislation more than half the time they elected to cosponsor. She examines this member cosponsorship in the context

of district preferences – that members in competitive districts will engage in bipartisanship more to reflect the preferences of their district – but it is mainly useful to us as a reference point in looking at member bipartisanship in the modern era. By looking at individual legislators, we can better ascertain whether a strong spirit of bipartisanship still persists in subsets of members.

Fig. 2.2 – Bipartisan Cosponsorship by Member[44]

TABLE 7.1 *Summary Statistics of Bipartisan Cosponsorship by Members*

Congress	Minimum Bipartisanship	Mean Bipartisanship	Maximum Bipartisanship
93	20.0% P. Burton (D-CA)	66.9% G. Davis (R-WI)	100% J. Jarman (D-OK)
94	13.3 W. Randall (D-MO)	53.8 E. Jones (D-TN)	100 S. Hall (D-TX)
95	0.00 J. Young (D-TX)	63.8 J. Hightower (D-TX)	96.2 C. Wylie (R-OH)
96	23.6 B. Stewart (D-IL)	69.6 C. Zablocki (D-WI)	93.5 J. Hammerschmidt (R-AR)
97	38.1 P. Burton (D-CA)	77.8 P. McCloskey (R-CA)	97.9 L. Fountain (D-NC)
98	15.4 P. Burton (D-CA)	64.2 J. Jeffords (R-VT)	95.7 W. Broomfield (R-MI)
99	26.8 A. Wheat (D-MO)	64.1 F. Sensenbrenner (R-WI)	91.8 M. Snyder (R-KY)
100	29.9 R. Dellums (D-CA)	64.7 R. Smith (R-OR)	93.2 B. Shuster (R-PA)
101	34.5 W. Clay (D-MO)	65.4 D. Bosco (D-CA)	94.5 J. Whitten (D-MO)
102	22.6 M. Waters (D-CA)	60.5 D. Rostenkowski (D-IL)	95.3 B. Shuster (R-PA)
103	16.1 X. Becerra (D-CA)	56.3 J. Bachus (R-AL)	87.7 J. Tanner (D-TN)
104	22.4 R. Armey (R-TX)	56.7 G. Studds (D-MA)	87.9 C. Edwards (D-TX)
105	28.9 R. Armey (R-TX)	56.4 J. Moran (D-VA)	87.7 L. Hamilton (D-IN)
106	30.9 M. Waters (D-CA)	60.5 W. Pascrell (D-NJ)	83.3 R. Frelinghuysen (R-NJ)
107	26.1 R. Gephardt (D-MO)	58.6 V. Hilleary (R-TN)	87.7 D. Sherwood (R-PA)
108	26.5 B. Lee (D-CA)	55.6 D. Rohrabacher (R-CA)	84.8 B. Young (R-FL)

Harbridge's framework and findings equip us with the appropriate models and theoretical backing to examine bipartisan cosponsorship today. Showing the raw percentage of cosponsored

[44] Harbridge, *Is Bipartisanship Dead?,* 146.

legislation that is bipartisan cosponsored will give the first sense of whether party polarization has overtaken a legislative stage that has historically been a bastion of bipartisanship. Looking at bipartisan cosponsorship by issue area will further serve as a useful signal in examining the polarization of today's Congress. By establishing a policy area baseline for bipartisan cosponsorship, we have the opportunity to see whether bipartisanship in the historically "most bipartisan" category has persisted, or whether even it has faltered, a lack of agreement which might hint at a deeper extent of party polarization. Then, by looking at bipartisan cosponsorship member data, we might achieve a greater sense of the relative strength of the bipartisan cosponsorship remaining in a cadre of Congress' more bipartisan members.

Perhaps the most compelling aspect of Harbridge's approach is that it yields a fundamentally different interpretation of what past polarization *did not* mean—the end of bipartisan agreement as a bedrock of our national politics. Her approach is therefore most useful for interpreting polarization as it appears today and what that means for the future. Results from roll call vote-based measures suggest a rather hopeless and disheartening view of the future of policy passage, where practically everything will be fought over tooth and nail on the basis of party. In 2006, Theriault suggested that roll call vote polarization was unlikely to continue at its elevated rate.[45] Regrettably, that speculation has already been shown to have been overly optimistic based on NOMINATE scores from just 8 years later.[46] In looking at bipartisan cosponsorship, Harbridge, while accepting that evidently increased polarization in roll call voting behavior, rejects the idea that the legislative process is entirely polarized. She avers that if

[45] Sean M. Theriault, 1 2006. "Party Polarization in the U.S. Congress: Member Replacement and Member Adaptation," *Party Politics* 12(4): 483-503.

[46] Nolan McCarty, Keith T. Poole, and Howard Rosenthal, *Polarized America: The Dance of Ideology and Unequal Riches – 2nd ed.* (Cambridge, MA: MIT Press, 2016), 23.

bipartisanship still exists in the form of bipartisan cosponsored legislation, which is subsequently masked by partisan agenda-setting, then efforts to alter that partisan agenda setting might yield a less polarized House of Representatives.[47] My task in the following chapter is to follow her lead and find out whether bipartisan cosponsorship might still permit this hope, or if polarization has truly divided the House at a deeper level.

[47] Harbridge, *Is Bipartisanship Dead?,* 82.

Ch. 3 – Assessing Bipartisan Cosponsorship in the Tea Party Era

In putting the bipartisan cosponsorship of the modern era to the test, it's hard initially to feel too chipper about what one might find. When each day brings more gridlock and argument between parties to the fore, the odds of all the acrimony being mainly superficial rather than coming from deep-set disagreement seems less and less likely. But science is all about confirming new knowledge—unpleasant or not—and correcting erroneous pieces of what we thought we knew so that fact can guide progress. With Harbridge's theoretical approach and methodology laid out, I can show the results of these measures for the modern era as I have performed them and contextualize them to explain their utility toward future progress. What I've found in trends of bipartisan cosponsorship in the Tea Party Era is in some respects predictable, but in other respects, quite surprising.[48]

I use Harbridge's standard for bipartisan cosponsored bills for all measures. Bills which have at least 20% of its cosponsors come from the party opposite the original sponsor are designated as bipartisan. Of course, this measurement schema is not without imperfections. Most notably, it doesn't weight the degree of bipartisan cosponsorship, instead focusing only on whether it adheres to the 20% threshold. For example, it leaves out as a 'partisan', Jim Moran Jr.'s (D-VA) "Federal Employee Retroactive Pay Act." The bill, aiming to ensure pay for furloughed workers during 2013's government shutdown, had significant bipartisan content, with 142 Democratic cosponsors and 35 Republican cosponsors. However, those 35 from the opposite party only amounted to 19.7% of all cosponsors, so the bill falls short of the 20% standard in spite of a measureable volume of Republican cosponsorship.

[48] And – dare I say it – a tad exciting, if you're into bipartisan governance I mean.

Similarly, the measure also counts as 'bipartisan' a bill like H.R. 3105 (113th), the Aquaculture Risk Reduction Act, which met exactly the 20% threshold required for bipartisanship, but had only 1 Democratic cosponsor. Equal weight is given to this bill and a bill like Ander Crenshaw's (R-FL) H.R. 647 "ABLE ACT of 2014", which had 194 Republican cosponsors and 186 Democratic cosponsors, for 48.9% bipartisan cosponsorship. However, because these standards of measurement are true of legislation from 1973 or from 2016, these shortcomings don't impact the reading of bipartisan cosponsorship across time. The levels of intensity in bipartisanship might thus be affected by the selection of this standard, but the change, if one exists, in the proportion of bills classified as bipartisan can still be captured over time.

The Lugar Center, a brainchild of former moderate Indiana Senator Dick Lugar, has developed a 'Bipartisan Index', ranking Senators and Representatives according to the frequency with which they cosponsor bills introduced by the opposite party and how frequently their bills attract opposite party cosponsors.[49] They also make adjustments for increasing numbers of bipartisan cosponsors and the great disparity between legislators who sponsor and cosponsor the most and least bills. This method might have been more ideal, as it accounts for more factors rather than making an unweighted judgment based on a percentage of bipartisan cosponsors. However, numerous attempts to contact the Lugar Center to access data were unsuccessful. Without a way to access either their methodology or more than simply the raw scores they assigned to legislators, which were only published for the years 2013-2015, Harbridge's method was a necessity. Absent better tools and a fuller set of data, this less nuanced method was what

[49] The Lugar Center, 2017, "Bipartisan Governance – the Bipartisan Index," The Lugar Center.

could deliver measurements that could be compared to past measurements in order to capture any change over time.

Rate of Bipartisan Cosponsorship Across All House Bills

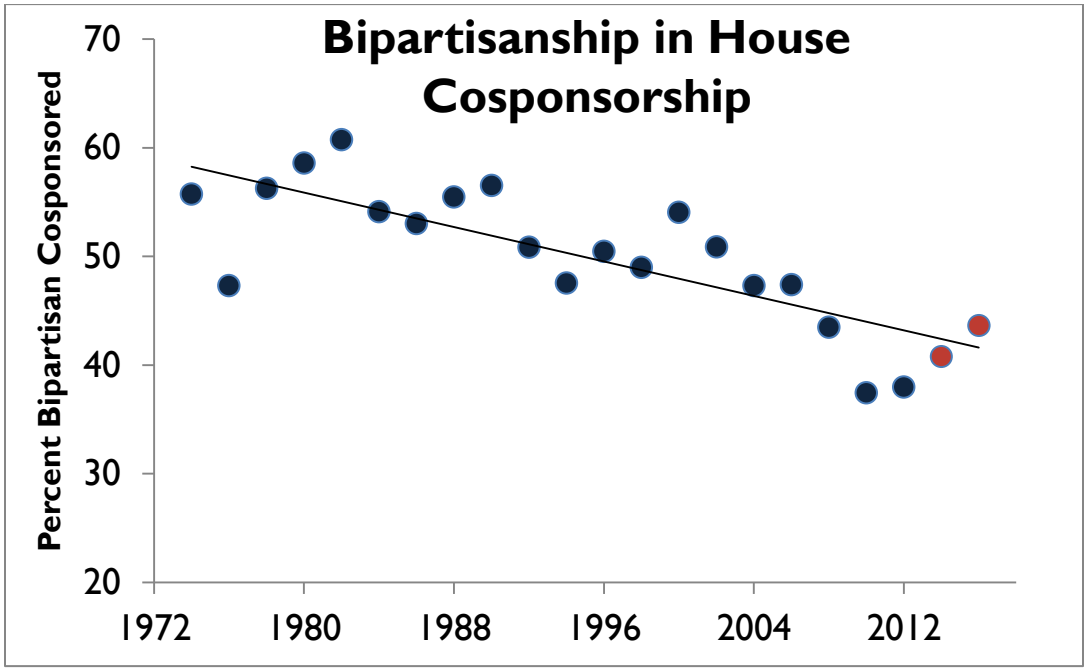
Finding the overall bipartisan cosponsorship rate is both the most straightforward and most significant of the three measurements. When looking across all bills from the two most recent Congresses, we can update our understanding of the prevalence of bipartisan cosponsorship to see the extent to which polarization has infiltrated this important legislative stage. This measure is designed simply to find the proportion of bipartisan cosponsored bills to all bills for the 113th and 114th Congresses (2013-2016). Those results can then be compared with the same proportions in the 93rd to 112th Congresses (1973-2012) to determine things like whether the rate of bipartisan cosponsorship has begun to decline more rapidly or if its descent has halted.

This measure is restricted to cosponsored House bills only. Because Harbridge excludes House Resolutions from her analysis, I follow suit for the sake of achieving as close a comparison as possible. I first classified bills as sponsored or cosponsored based on bill data available from GovTrack.us. Both Congresses have similar numbers of bills introduced as well as percentages receiving at least one cosponsorship. For the 113th Congress, 4555 of 5884 (77.4%) bills received a cosponsorship, and 5113 of 6515 (78.5%) did for the 114th Congress. For those bills receiving at least one cosponsor, I looked at each bill's 'Details' to calculate its bipartisan cosponsorship percentage—that is, the ratio of opposite party cosponsors to total cosponsors—and coded it as either bipartisan or partisan depending on whether it reached

Harbridge's 20% threshold. This procedure was repeated across all 12000+ House bills for the 113th and 114th Congresses.

For the two most recent Congresses, rates of bipartisan cosponsorship were significantly lower than for the 93rd to 108th Congresses (Fig. 3.1).[50] The 40.3% percent bipartisan figure in the 113th Congress falls quite a bit short of the low for the previous period, 47.3% in the 108th. Though the 114th Congress' mark of 43.7% was an improvement on the 113th, it too was well below that previous low. For Harbridge's measurement period, Congresses averaged 53% bipartisan cosponsorship; since that time, the average for the 109th to 114th Congresses has fallen to 42%. It does seem that bipartisan cosponsored bills have experienced an overall decline in their share of all cosponsored bills, swinging from a majority of all cosponsored bills to a solid minority.

Fig. 3.1 – Bipartisan Cosponsorship Across All House Bills



[50] Exact figures for bipartisan cosponsorship for 93rd-112th Congress were graciously provided by Laurel Harbridge.

That being said, in considering the more recent history of bipartisan cosponsorship, it appears that the rate of bipartisan cosponsorship reached a nadir following the 111th Congress (2009-10) (Fig. 3.1). That was the Congress which preceded the national entrance of the Tea Party into mainstream politics in the 63-seat Republican gains in the 2010 midterm House elections. This suggests that any explanation for increased polarization and decreasing bipartisan cosponsorship can't exclusively be pinned on the rise of the Tea Party and ideological conservatism. However, what this finding also implies is that in spite of the recent ferocity of the debate between the two parties, however low things have sunk, bipartisanship has actually tipped up below all the surface polarization, and at a time where we might least expect it.

Though the difference between 37.4% in the 111th ('09-'10) and 43.4% in the 114th ('15-'16) might not seem so large, what is important to note is that for the previous five Congresses, bipartisan cosponsorship had been on the decline. The 113th ('12-'14) Congress' 40.8% figure appears rather dismal compared to the relatively robust bipartisanship figures closer to 55% not so long ago, but it also represents a rise from the two previous Congress' historically poor displays of bipartisanship. And 43.4% for the 114th Congress improves tidily on that rise from the 112th to 113th Congress. What these figures ultimately hint to us is that, indeed, bipartisanship in the cosponsorship stage is in rough shape - but it is in better shape than it has been in the recent past.

Developing a formula to properly weight and meld together voting behavior and behavior in the cosponsorship stage in one picture to appropriately capture polarization is beyond my ability, but we can at least say a few things about what that picture might look like given these updated results. In the period for which Harbridge examined cosponsorship data, the rate of decline in bipartisan cosponsorship was considerably less than was the rise in polarization in roll

call voting. However, the most recent period appears to have changed that. The overall rate of decline in bipartisan cosponsorship now more closely mirrors the rise in roll call vote polarization. However, results from the last three Congresses show that that overall decline has flattened of late, a promising development in terms of hopes for cultivating a space for bipartisan policy agreement. The cosponsorship stage has not been immune to the polarization that has promulgated an increased partisan gap in roll call votes, though it has seen a growing recovery.

I also noted that cosponsorship tends to wane over the final 4 months of a given session. While the overall rate of cosponsorship was 77.4% for the 113th Congress and 78.5% for the 114th Congress, the last 4 months of each session saw a cosponsorship rate of only 64.6% and 60.4%. The cosponsorship that was present also outpaced the overall rate of bipartisan cosponsorship, with 44.8 % and 48.3%., representing jumps of roughly 4.5% for both Congresses. Without further examination and testing for significance, it is difficult to pinpoint the exact reason for (or usefulness of) this phenomenon, though I suspect the lame duck session of Congress, just before first time members join the newly minted Congress in January, has something to do with it. Perhaps something about that situation untethers some members from partisan restraints present earlier in the session. In any case, it seems worth mentioning, and potentially worth exploring in the future if the expression of bipartisanship in cosponsorship has been tempered by something beyond an individual legislator's reach. If that is true, then a decrease in bipartisan cosponsorship ought not to be equated with a pure increase in ideological polarization. Just as partisan agenda-setting controls have the power to cause a Congress to appear more polarized in roll call voting by constraining choices, perhaps a factor besides attrition of moderates and replacement by more ideological representatives is at play.

Bipartisan Cosponsorship by Policy Area

For the tests by policy area, time and resources were significant factors in performing the measurement. Because the initial coding process of classifying the cosponsorship of all bills for two Congresses was cumbersome as it was, I elected not to record each bill's issue type as well at that time. That likely would have doubled the time required for the bulk of the coding and left too little time for other elements of the process. Additionally, Harbridge retrieves data from the Congressional Bills Project (CBP), coded in their own scheme. However, at the time of collection, data from the CBP was updated only through June of 2016, halfway through the second session of the 114th Congress, and only bills through the 113th Congress were coded by topic area. Without sufficient time to learn the CBP coding scheme to finish their work, and not wanting to dilute the strength of comparisons by operating on a set of data following one coding scheme for half the time and another for the other half, I opted for another route.

Instead, I simply used the issue areas as assigned by GovTracks so as to have one complete, uniform set of data for the 113th and 114th Congresses. Though this set wouldn't stick to exactly the same coding designations as the CBP data set would have, the policy areas were typically similar with minor changes (Defense vs. Armed Forces & National Security, for instance). I cross-referenced the set of bills in each category with the results of the GovTracks divisions by policy area to ensure that neither set excluded a high number of bills in the corresponding category of the other data set. I picked issue areas which at least were roughly similar in the number of bills they were assigned in the 113th on the assumption that most bills included would overlap or would have overlapped had CBP coded those bills for topic area. As an example, Foreign Trade had only 14 fewer bills in the GovTracks data set than it did in the

CBP set. Additionally, I tried to select policy areas which did not already experience significantly negative trends so that any decline couldn't simply be explained as part of a predictable, long-standing decline.

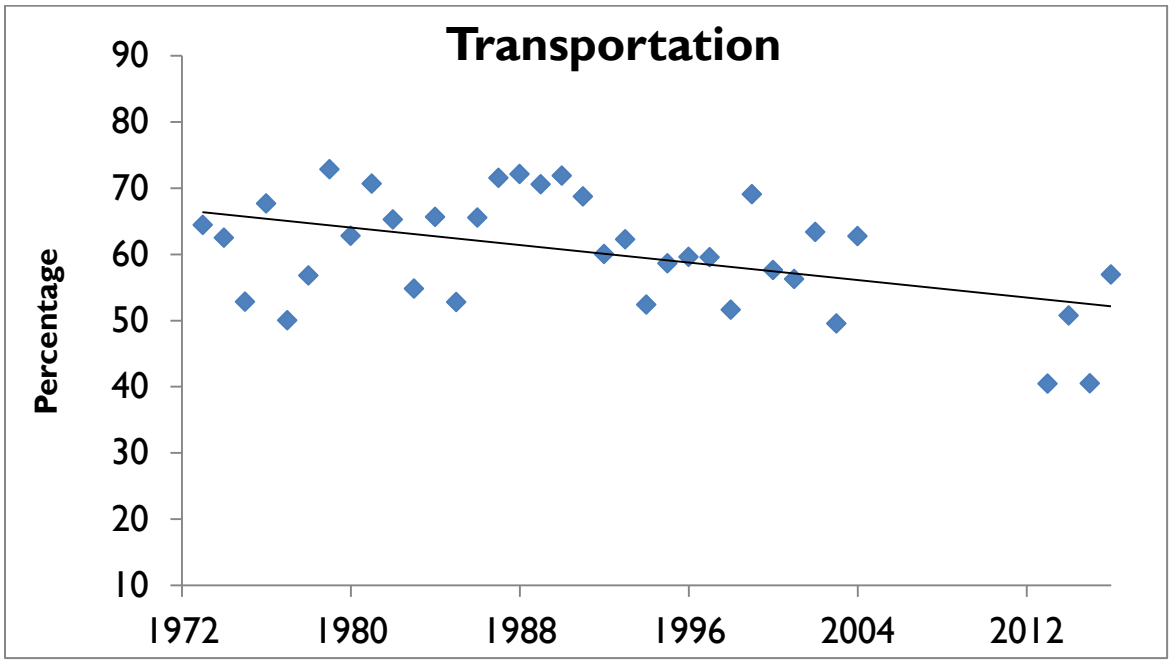
With these considerations in mind, I selected one policy area from each of Harbridge's most bipartisan (Transportation), average bipartisan (Foreign Trade), and least bipartisan (Social Welfare) categories. By examining topics in these separate categories, I might be able to see the effect of any polarization on historically high-bipartisanship policy areas, areas which more or less represented the average bill, and historically low-bipartisanship areas. Of course, having seen a decline in overall bipartisanship across all areas, the question is less whether we should see a decline in any one of these areas, but how many of these areas might illustrate that decline? Would a historically very bipartisan area like Transportation, where percentage bipartisanship had dipped below 50% only once from 1973 to 2004, enjoy the same support as in past years?

Well, the decline in overall percentage bipartisan cosponsorship necessitated a decline somewhere—though not necessarily in any of these 3 areas—and it appears that Transportation took a serious body blow to its bipartisan composition. Two of the four years from 2013-2016 come in at 40.4% bipartisan cosponsorship, which is well below its previous historical low of 49.5% (Fig 3.2).[51] Though any trend-line with results included from 2005-2012 would likely alter an average percent bipartisanship across all years, including 2013-2016 with past data causes the rate of decline from 1973-2016 to jump by nearly 250%.[52] The result for this one category ought not to be generalized to all high bipartisanship categories because of the range of factors – topical events, increased public attention to the issue, etc. – which can influence

[51] Once again, precise figures were personally supplied by Laurel Harbridge.
[52] Trend lines (rates of decline or increase) calculated using Excel's pre-programmed algorithms, with trend lines compared between the tables including or excluding

bipartisanship in a particular policy area in isolation. But what can be said of this result is that at least one typically bipartisan area which had endured polarizing changes in the House and stayed bipartisan in the past has suffered in its percent bipartisanship in recent years.

Fig. 3.2 – Bipartisan Cosponsorship in Transportation Legislation

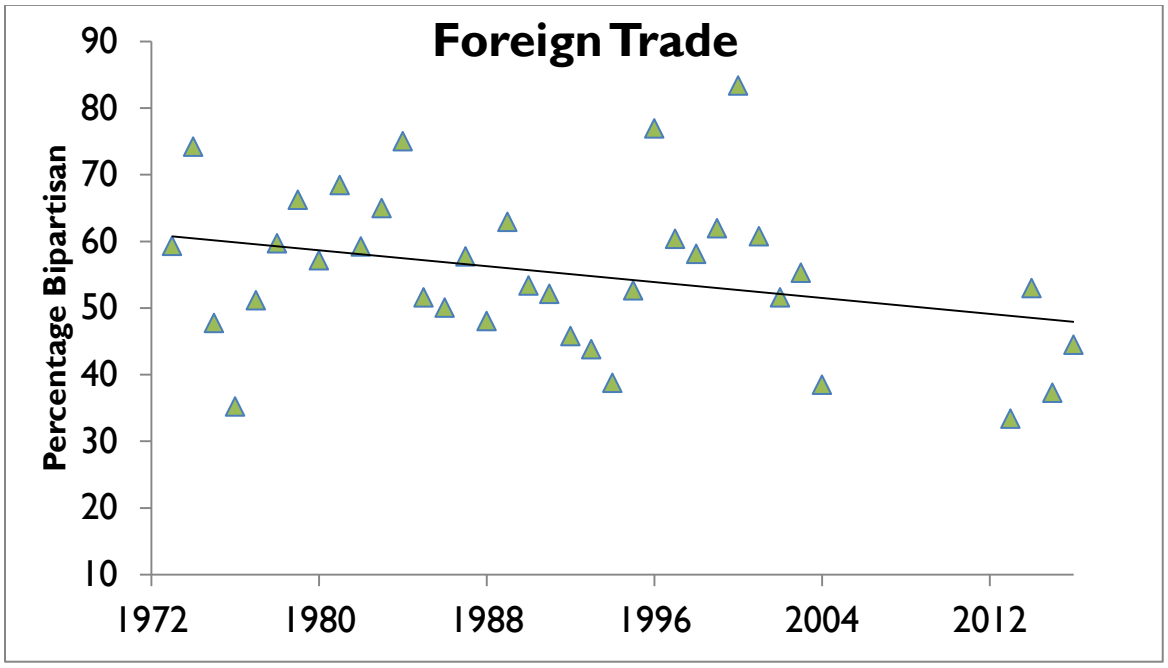


As for Foreign Trade (Fig. 3.3), which from 1973 to 2004 had experienced the slightest decline in bipartisanship of all 3 selected areas, it too suffered in its proportion of bipartisan cosponsorship. Not one of the four years yielded a percentage bipartisanship even close to equaling the prior period's average of 56.9%.[53] To find even one other year so lacking in bipartisan cosponsorship as 2013, one would have to look all the way back to 1976 to find suitable a comparison. Even then, 2013's 33.3% comes in as a new historical low point by 2 percentage points over previous low year 1976. Foreign Trade's rate of decline in bipartisan

[53] Harbridge, *Is Bipartisanship Dead?,* 121.

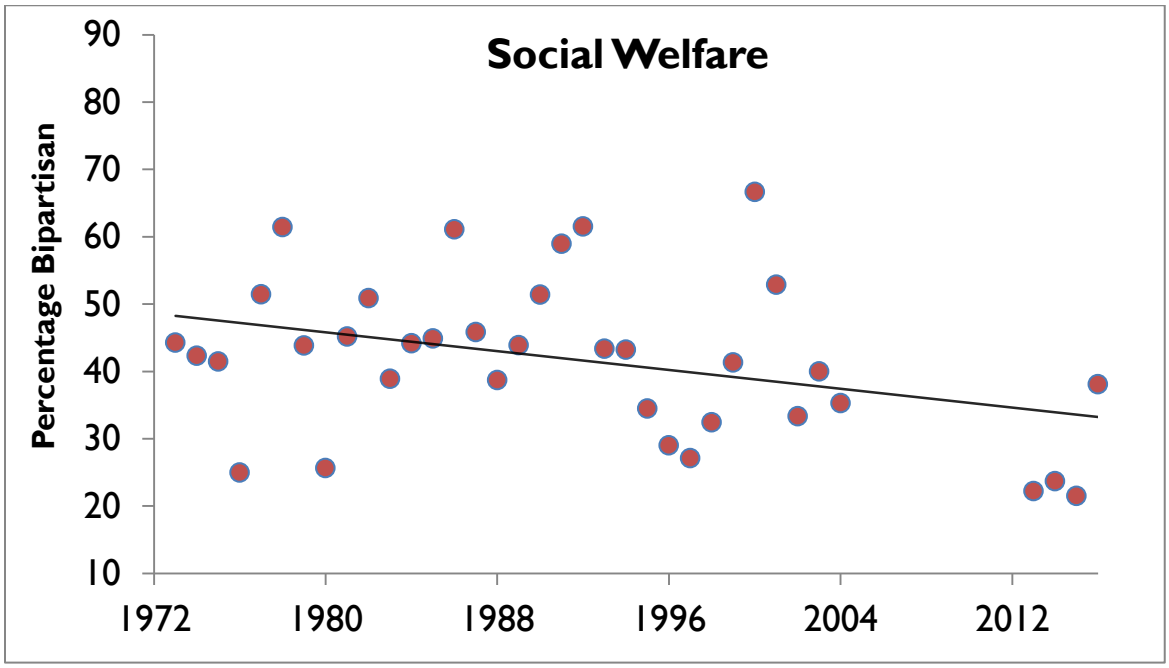
cosponsorship was considerable. Absent yearly results from 2005-2012, its originally slight rate of decline rose by a factor of 5, moving from a barely negative trend to a highly negative one. However, that 2014 saw a percent bipartisanship of 52.9% is notable as an indicator that House members aren't incapable of returning to a higher level of bipartisanship under the right circumstances.

Fig. 3.3 – Bipartisan Cosponsorship in Foreign Trade Legislation



Finally, even Social Welfare, as a representative of the least bipartisan category, experienced further decline from its already lowly position. In fact, in some ways it fared even worse than its high and medium bipartisan counterparts. Once again, not a single year from 2013 to 2016 had a percent bipartisanship reaching the previous 1973-2004 average of 42.9% (Fig. 3.4). Three of the four years came in at figures beneath the previous historical low for the policy area of 25% in 1976. Overall, the rate of decline for the period increased by close to 450%. Once again, while withholding generalizations about all other policy areas in the least bipartisan

Fig. 3.4 – Bipartisan Cosponsorship in Social Welfare Legislation



category, this policy area appears to have lost a notable proportion of what little bipartisan content it did have.

Bipartisan Cosponsorship By Member

As with the measurement of bipartisan cosponsorship by policy area, chopping up the decline in bipartisan cosponsorship across all bills and examining it by member—or in this case, a small cadre of members—offers the opportunity to see where overall changes in cosponsorship coalitions are occurring. Does a decline occur evenly across all members' cosponsorship patterns? Are the most bipartisan members still highly bipartisan, and could a healthy segment of bipartisanship remain? Identifying locales of this seeming decline helps us understand the extent of polarization and where its effects are restricted or magnified.

In order to look at cosponsorship by member, I was forced to make a number of decisions about to how to conduct the measure. Tabulating the bipartisanship scores in exactly the same way as Harbridge did would have been a serious challenge. Since I unfortunately had neither a computer scientist nor a team of underpaid students to grind out results from something upwards of 80,000 cosponsorships, I elected to do some subdivision and sampling. Had I all the resources I could desire, I would like to have ascertained a member maximum, minimum, and average for the 113th and 114th Congresses, just as Harbridge did for the 93rd to 108th Congresses. But finding any one of those would have effectively required me to examine all individual cosponsorships anyway. What I did instead was use a proxy for those in the "Most Bipartisan" category. According to the literature, greater competition within a district tends to yield cross-pressured members who maintain delicate electoral balances by behaving moderately.[54] But safer districts means a representative is obligated to cater to its larger majority of same-party constituents and is thus more likely to stake out positions toward the extremes of the ideological spectrum.

With that in mind, I decided to look at members from the ten most competitive districts in a past and contemporary Congress. If members from the most competitive districts are more likely to be more moderate, we should expect for there to be some overlap between them and the representatives who would find themselves in the "most bipartisan" category if all individual cosponsorship behavior was analyzed. I found the victors of the ten House districts with the slimmest margins of victory from the fall 2004 and 2014 elections using election data and statistics from the *Encyclopedia of American Politics* and the Federal Election Commission[55]. In the following Congresses, the 109th (2005-06) and 114th (2015-16), I measured the proportion of

[54] Richard Fleisher and John R. Bond, July 2004, "The Shrinking Middle in the US Congress," *British Journal of Political Science* 34(3), 429.
[55] Ballotpedia, 2014, "United States House of Representatives elections, 2014," *The Encyclopedia of American Politics*, and FEC, 2004.

bills those members cosponsored which qualified as bipartisan. I used the fall 2004 election because the following Congress as the first after Harbridge's timeframe. I used the fall 2014 election to achieve a ten year interval and cover a recent, Tea Party era election followed by a full Congress' worth of cosponsorship data. While House districts have continued to sort increasingly and fewer competitive races can be found overall, by keeping the analysis to just ten, I'm able to compare a set of races above a certain threshold of competitiveness.

Following the same procedure as earlier measures, I use bill data from GovTrack.us. I went through all bills cosponsored by a given member, selecting every other bill chronologically to get 50% of all their cosponsored bills. While coding every one of these bills would have been ideal, time considerations made this approach the more sensible one. These bills were sorted by date of introduction, so the sample evenly covers the entire session of Congress. After taking the sample, each bill was classified as partisan or bipartisan, returning a percentage bipartisanship score for each member. The scores from the first Congress, the 109th, were then compared to the scores from the 114th to find change over time in the rate of bipartisanship within the most competitive districts.

What I found is that members from these most competitive districts, as a group, demonstrated less bipartisanship in their cosponsorships in the 114th Congress than in the 109th Congress (Fig. 3.5). For the 109th, members averaged a percent bipartisan cosponsorship of 61.0%, even with an outlying member below 40%. Just ten years later, the members from the ten most competitive districts had an average percent bipartisan cosponsorship score of 55.2%, representing a decline of nearly 6 percentage points. Even though the competitive 2014 elections were actually more competitive than the most competitive 2004 elections, those 2014 members still didn't engage in as much bipartisan cosponsorship. That percentage falls just below the

average bipartisan cosponsorship score for the 108th Congress (2003-04) at 55.6%. In the 109th, member percentages ranged from 39.3% to 71.0%. For the 114th, the lows were lower (at 33.9%), and the highest score was 2.5 percentage points behind the highest score in the 109th.

Fig. 3.5 – Bipartisan Cosponsorship By Competitive Districts

Representative (109th Congress)	% Bipartisan Cosponsored Bills	Margin of Victory	Representative (114th Congress)	% Bipartisan Cosponsored Bills	Margin of Victory
Melancon (R-LA3)	57.1	.49%	McSally (R-AZ2)	57.9	.1%
Higgins (D-NY27)	50.4	1.3%	Slaughter (D-NY25)	33.9	.4%
Gerlach (R-PA6)	69.9	2%	Bera (D-CA7)	59.3	.8%
Bean (D-IL8)	66.2	3.4%	Graham (D-FL2)	68.4	1.1%
Barrow (D-GA12)	64.8	3.6%	Costa (D-CA8)	62.6	1.4%
Edwards (D-TX17)	69.3	3.8%	Nolan (D-MN16)	54.3	1.5%
Salazar (D-CO3)	54.7	4.1%	Delaney (D-MD6)	55.4	1.5%
Reichert (R-WA8)	67.6	4.9%	Newhouse (R-WA4)	33.9	1.6%
Simmons (R-CT4)	71.0	4.9%	Maloney (D-NY18)	59.2	1.8%
Chocola (R-IN2)	39.3	6.5%	Hurd (R-TX23)	67.2	2.1%
Average Percentage	**61.0**	**3.9%**	Average Percentage	**55.2**	**1.2%**

Within this group of victors of the most competitive elections, there does not appear to be any real correlation between the most competitive districts and the most bipartisanship or the least competitive districts with the least bipartisanship. While Chris Chocola in the 109th Congress had the least competitive election and was the least bipartisan, for the 114th Congress, Will Hurd, whose district was the tenth most competitive, was the second most bipartisan member of the cohort. Rob Simmons, who had the second least competitive election for the

109th, was actually the most bipartisan of all ten of his group. At the same time, Brian Higgins in the 109th was in the second closest race, with only a .49% margin of victory – and managed to end as the second least bipartisan legislator of the group.

Of course, the results from this measure are tempered by the filters imposed by the measure. Several factors could have affected the outcome from within. Sampling entails a risk that the bills left out of the analysis, by misfortune, are disproportionately partisan or bipartisan compared to the sample. Additionally, the possibility can't be dismissed offhand that changes in polarization have altered the more established axiom that cross-pressured members (in less safe districts) are more likely to moderate themselves, in which case the measure wouldn't strike at a set of legislators likely to be among the most bipartisan anyway. A final related consideration which moderates the force of the conclusion is that perhaps those legislators who are in fact the most bipartisan continue to exhibit healthy bipartisanship in cosponsoring bills from the opposite party. But if the rest of their party has further polarized and doesn't join them as often to make bills bipartisan cosponsored, then their good faith bipartisanship doesn't show up in the measure.

These results can at least hint, though, that bipartisanship among a presumably bipartisan group has likely declined. The 5.8% change from the 109th to the 114th expressed in Fig. 3.5 is also roughly reflective of the change in overall rate of bipartisan cosponsorship across all legislation in that time frame, which places such a change at least within the realm of expectation. One case which supports this modest conclusion is that of Chet Edwards, former Representative for Texas' 17th District, whose district was among the most competitive districts for the 109th Congress. Just ten years earlier, in the 104th Congress, Edwards topped the 'Maximum Bipartisanship' list with 87.9% of all bills he cosponsored having a bipartisan cosponsorship coalition. By the 109th Congress, his cosponsorship rate had dropped to 67.3%,

even as he was among the top ten most competitive Congressional races. A serious drop like that isn't beyond what is reasonable even year to year – the lowest performer in both the 97th and 98th Congresses on the Bipartisanship Scale was Philip Burton (D-CA), whose bipartisan cosponsorship rate fell from 38.1% to 15.4% from one Congress to the next.[56] However, the fact that Edwards had both been at the pinnacle of bipartisanship in the recent past and was in one of the most competitive House elections the previous year, which ought to have cautioned even more moderation, makes his decline notable. At the least, his fall from that peak is consistent with the notion that the most bipartisan members are no longer as bipartisan as they once were.

A decline in the rate of bipartisan cosponsorship among this cohort has two major implications. The first concerns this group, which, by inference, contains presumably among the most bipartisan members Congress. Less bipartisan cosponsorship among these members could illustrate that even the most bipartisan members of a given Congress have become more polarized, and are therefore less inclined to participate in bipartisan cosponsorship. The second, potentially co-occurring possibility is that these most bipartisan legislators are still willing to engage in this sort of bipartisanship, but that conditions within the Congress prevent them from following through on that willingness. If a more thorough polarization pervades the body of Congress – and the low rate of bipartisan cosponsorship across all bills supports that – then those members could be constrained in much the same way as they are in a roll call vote situation. In this case, the increased selection of partisan language and content (as a function of greater polarization between parties and members of those parties) offers fewer opportunities for legislators to cosponsor legislation likely to enjoy support from members of both parties. The limited nature of this measure makes it difficult to pick apart the exact implication of this result.

[56] Harbridge, *Is Bipartisanship Dead?,* 146.

But in either case, these results suggest that at least some functional decline has occurred even at the highest levels of bipartisanship.

The results of these three measures help illuminate in part the state of bipartisanship and polarization in today's Congress relative to the past. First, while bipartisanship in cosponsorship is down compared to the period from 1973-2004, the last three Congresses have somewhat puzzlingly represented a rise over the lowest points of bipartisan cosponsorship in the 111th Congress. Then, in examining bipartisan cosponsorship by policy area, it appears that neither high nor medium nor low bipartisanship categories are immune from the apparent effects of polarization. All three policy areas, Transportation, Foreign Trade, and Social Welfare, experienced a decline in bipartisan cosponsorship, signaling that polarization might have shrunk room for agreement in historically high bipartisan—where we might expect any future potential bipartisan recovery to occur—and low bipartisan policy areas alike. Finally, while the results from the test of bipartisan cosponsorship speak with reduced power for reasons related to the test, they can at least offer a suggestion. It seems that among the legislators from the most competitive House districts, who should be some of the most bipartisan, are no longer as willing to engage in bipartisanship as they once were. In total, these findings suggest that polarization has extended further into bipartisan cosponsorship than it had in the period analyzed by Laurel Harbridge, reaching into even formerly bipartisan legislators and policy areas.

However, despite this overall decline, because the last three Congresses have experienced a rise in the proportion of cosponsored bills receiving bipartisan cosponsorship, there might be some reason for optimism. Polarization has increased, but it hasn't erased all places where policy agreement between members of opposite parties might occur. That room has actually increased at a most curious time, just as the Tea Party, an ideological wave of members often seen as

polarization incarnate, entered Congress. In the next and final chapter, I explore why the Tea Party as a movement might paradoxically be a source of this recent bipartisanship, and what all this could mean for the future of bipartisanship in Congress.

Ch. 4 – Localism, the Tea Party, and What Lies Ahead

Subtlety has never been the Tea Party's strong suit. From the start, when the movement began in 2009, visibility was a crucial source of power and growth. On Tax Day in 2009, 750 Tea Party protests and public gatherings occurred across America. The immediate occasion was to further voice opposition to the $787 billion 2009 stimulus package passed under President Obama, but perceived corruption, pork barrel legislation, and government overreach were central themes of this loud and public display.[57] Given the very public, ideologically-grounded opposition toward President Obama and the government more generally from the Tea Party, it seems quite strange to even consider that this same group might be responsible for the recent rise in bipartisan cosponsorship detailed in Chapter 3. But viewed in the context of theories of localism, the high visibility of the Tea Party cause and the conservative ideology driving it offer some compelling reasons to believe that that might be the case.

Based on my data and Harbridge's, we should be hesitant to say that the Tea Party wave of 2010 was the only cause or manifestation of party polarization in the last few years. The lowest point for bipartisan cosponsorship in the House actually occurred in 2009-2010, before these Tea Party-affiliated legislators were swept into office in fall 2010. However, the Tea Party/Freedom Caucus movement is particularly known for visibly hewing to ideologically extreme positions in healthcare, immigration, gun rights, and family planning legislation. Any discussion of polarization would likely be a very different one without its presence in the modern era of Congress.

[57] Liz Robbins, 15 April 2009, "Tax Day is Met With Tea Parties," *New York Times*.

In spite of the fact that bipartisan cosponsorship's nadir occurred in the 111th Congress (2009-2010), predating the Tea Party's arrival, I suggest that the recent rise in bipartisan cosponsorship might in part be ascribed to this same group of legislators known for their ideologically extreme positions. While the 2010 elections saw a startling number of new members of Congress on the Tea Party wave – 87 new Republicans in the House – many of those swept into power have failed to last. After just three terms, only 50 of those new Republicans (not all of whom began their Congressional careers or campaigns aligned with the Tea Party, but who nevertheless benefited from the same anti-establishment voter anger) remain House Representatives. 2 more lost re-election bids in the 2016 general election and 2 other members of the class of 2010 were defeated in primary contests.[58] And that is in a body where incumbents rarely lose and tend not to retire early. Why might an election with that level of intensity and passion turn out proportionally fewer legislators who stick around?

A major element of the Tea Party's raison d'être is about cutting the spending and size of what they consider to be a bloated, overly-powerful national government inimical to the wishes of the Constitution. That's an idea which sounds good to people of that limited government persuasion when thinking in abstract terms about all the money the government spends on special benefits, defense, and enforcing regulations on business.[59] But that idea and the Tea Party ideologues entering Congress who espoused similar principles were soon confronted with the persistent problems associated with giving locally-elected representatives the responsibility of forming national policy. This is the idea of the Two Congresses: one being a body of national

[58] Ballotpedia, 2016, "United States House of Representatives Elections, 2016," *Ballotpedia: The Encyclopedia of American Politics*.

[59] Theda Skocpol in *The Tea Party and the Remaking of Republican Conservatism* refutes the notion that Tea Partiers are against big government in all respects – veteran's benefits, Medicare, and Social Security still receive widespread support among those in 2011 who identified as supporters of the Tea Party.

lawmakers, the other a body of independent, locally-elected representatives who must consistently pay close attention to constituents' interests in order to win re-election.[60] The problem is that national goals sometimes run counter to local interests. The historical work-around for this has been through cooperation, in delivering some resources ('pork') to districts and producing some national legislation. So while many GOP legislators came to power in a wave of anti-government anger, they were simultaneously tasked with delivering pork to the district having publicly pledged to fight against the same thing happening across the nation in other districts. That is a lot of internal contradiction to bear, especially when strong free-market, small-government principles served the basis for many of these legislators' candidacies.

As a result of this existential tension, legislators in this position are left with a limited range of options. The first option is to adhere to the uncompromising small-government principles many of them owe their election too, eschewing cooperation with other legislators on pork and not seeking it for themselves and their districts. This approach, though appealing to ideologically-minded voters who powered many of these GOP 2010 freshmen into office, runs the risk of upsetting constituents who want to see federal money improve their local community. Some have made this hardline approach work, but the task of staring down an institution with hundreds of years of experience in accommodating district level interests alongside national policy is a tall one. That ideological battle against a large government—including the fight against pork—can be frustrating, sometimes too frustrating to keep struggling against it.

Another option is to de-emphasize the notion that these principles are completely rigid, essentially making compromises to cooperate on pork and place their district in a position to see some federal funds. This, too, carries risks. Appeasing important community leaders (who like to

[60] Roger H. Davidson, et al., *Congress and Its Members,* 14th ed., (United States: CQ Press, 2014), 5.

see pork in their district) is important for winning re-election. But that only works if ideologically-minded voters don't feel they've been betrayed by reneging on promises to fight 'waste' in pork. Already, more than 27%—including the four 2010 freshmen who lost re-election or primary battles in 2016—have been voted out having failed to strike this balance or sought other office (Fig. 4.1). A third option is shipping out. A surprisingly high number of members of the GOP class of 2010 have opted for retirement through 2016. From 1980 to 2014, the average retiree from Congress had served 8.7 terms; for 2016, retiring legislators had only averaged 4.9 terms, which early Republican retirements have contributed heavily towards.[61] The initial group of 87 Republican freshmen from 2010 has already had at least 10 retirements after only three terms. Many legislators who can't manage that internal balance find themselves retiring early; several Republicans from the class of 2010 cited frustration with a "toxic Congress" as a reason for retiring.[62] Some of these members had verbally imposed term limits on themselves upon arrival, but a number of these members have actually retired even *before* reaching that limit.[63]

This troubling local-national dilemma, normally manageable for the average legislator, thus present a serious challenge for those Republican legislators entering the House in 2010, even those not officially aligned with the Tea Party, since they benefited from the national Tea Party wave and are tethered with like expectations. While many experienced legislative success, many did not. I make no judgments about the ultimate success of the Tea Party movement. What I do assert is that, as a group, the GOP freshman class of 2010 has had to moderate in some aspects of their legislative behavior in order to hold onto their seat. This does not necessarily mean that these legislators have become less polarized on an ideological spectrum—just that for

[61] Molly E. Reynolds, 15 February 2016, "Why are junior members retiring from Congress?", *Brookings Institute*.
[62] Russell Berman, 22 February 2016, "The Class of 2010 Heads Home," *The Atlantic*.
[63] Ibid.

purposes of electoral survival and a prolonged shot at success, they have had to find ways to work with other legislators.

Cooperation at the cosponsorship stage, where demonstrating widespread support can increase the chances a bill, perhaps with traces of pork, receives floor attention, is a way to make this complicated arrangement work for those legislators. To be sure, the earmark moratorium instituted in late 2010 in the House has slowed the flow of pork—but what that has mostly done is force legislators to get creative. That means sneaking pork provisions into bills, overfunding White House budget requests, and pressuring federal agencies to direct money toward certain uses and districts. Legislators have also learned to attach special funds to appropriations bills which circumvent the earmark moratorium. In 2011, legislators added $375 million—considerably more than the President had requested—to the Army Corps of Engineers' budget to be spent on projects in various localities.[64]

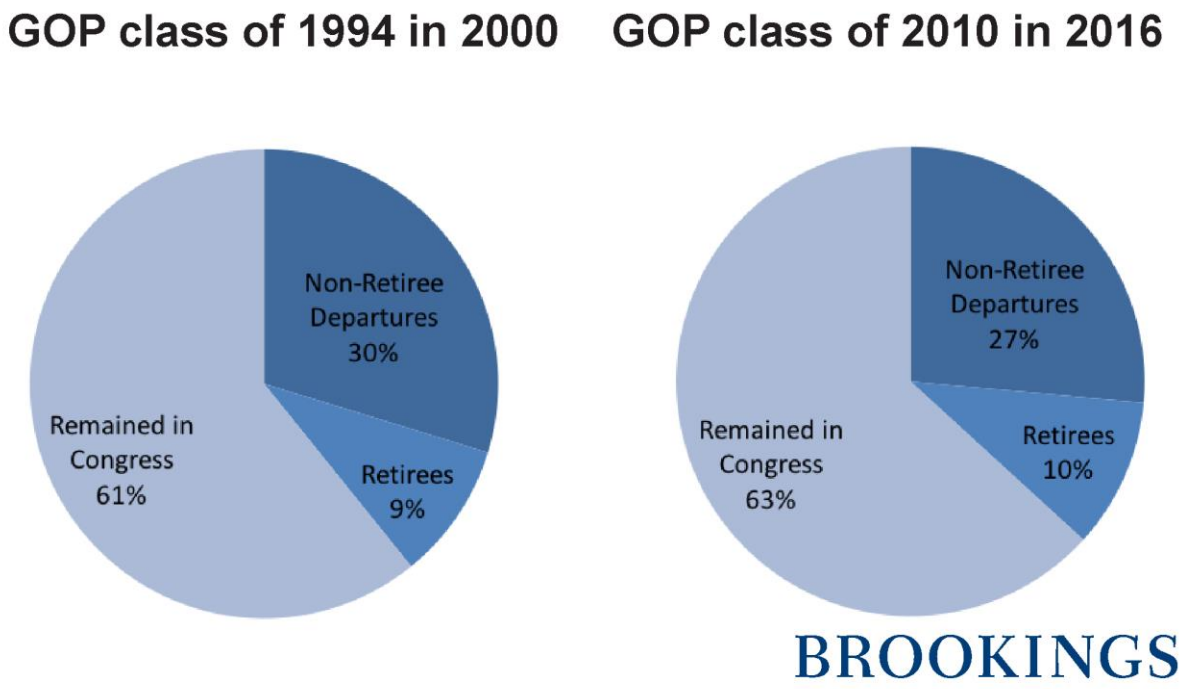
Bipartisan cooperation is necessary to ensure some of these funds make it back to districts, even if the route is less direct than simply adding an earmark to a bill. Fundamentally, securing those funds comes down to having relationships with other legislators, since all together they can pressure federal agencies and keep funding flows open to districts. Cosponsorship is an ideal place to establish those relationships. While cosponsorship is a costly demonstration of support, it is much less public than positions taken in roll call votes. Electoral challengers bring roll call positions to the public's attention if an incumbent's stance on an issue was unpopular but otherwise obscured from sight.[65] Legislators in this difficult position can therefore cooperate at a less overt level, like in cosponsorship, while still maintaining strong, ideological stances in roll

[64] Ron Nixon, 5 February 2012, "Congress Appears to Be Trying to Get Around Earmark Ban," *New York Times*.
[65] R. Douglas Arnold, "Can Inattentive Citizens Control Their Elected Representatives?", *Congress Reconsidered*, (Washington, CQ Press, 1993).

call votes which won't then expose them to risk among ideological voters. The result of this interplay between local interests and ideology is a House characterized by more bipartisan cosponsorship and continued rise in roll call vote polarization.

The path of the GOP class of 2010 actually tracks very closely with that of the GOP class of 1994, populated by ideologically polarized Republicans who stormed the party into power in the House in that year. With similar origin stories, the returning membership three terms later is stunningly close by percentage to the class of 2010.

Fig. 4.1 – Comparing Membership of GOP Class of 1994/2010 Three Terms Later[66]

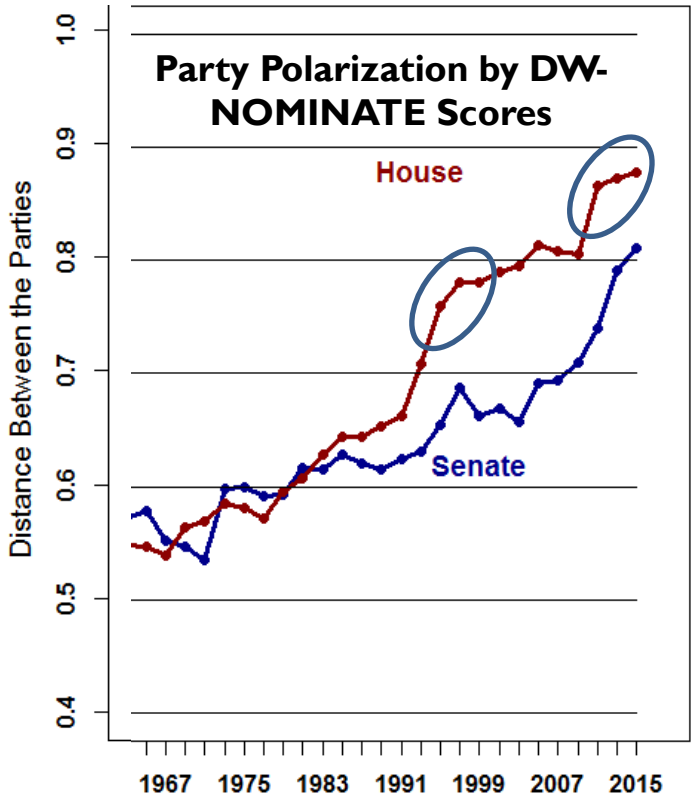


What's more is that highly similar trends occurred between 1994 and 2000 and from 2010 to 2016 in terms of bipartisan cosponsorship and roll-call vote polarization. By DW-NOMINATE scores, the 104th Congress (1995-96), the first with that raucous class of 1994, was

[66] Molly E. Reynolds, 2016.

even more polarized than the polarized 103rd (1993-94) (Fig. 4.2). However, that rapid rise in distance between party scores slows down in the 105th before completely flattening out in the 106th. And after a huge rise in polarization during the 111th Congress, the class of Republicans rising to power in the 112th did relatively little to put great ideological distance between themselves and Democrats, exhibiting a roughly similar trend as the class of '94.

Fig. 4.2 – Similarities in Roll Call Polarization for GOP Class of 1994/2010[67]

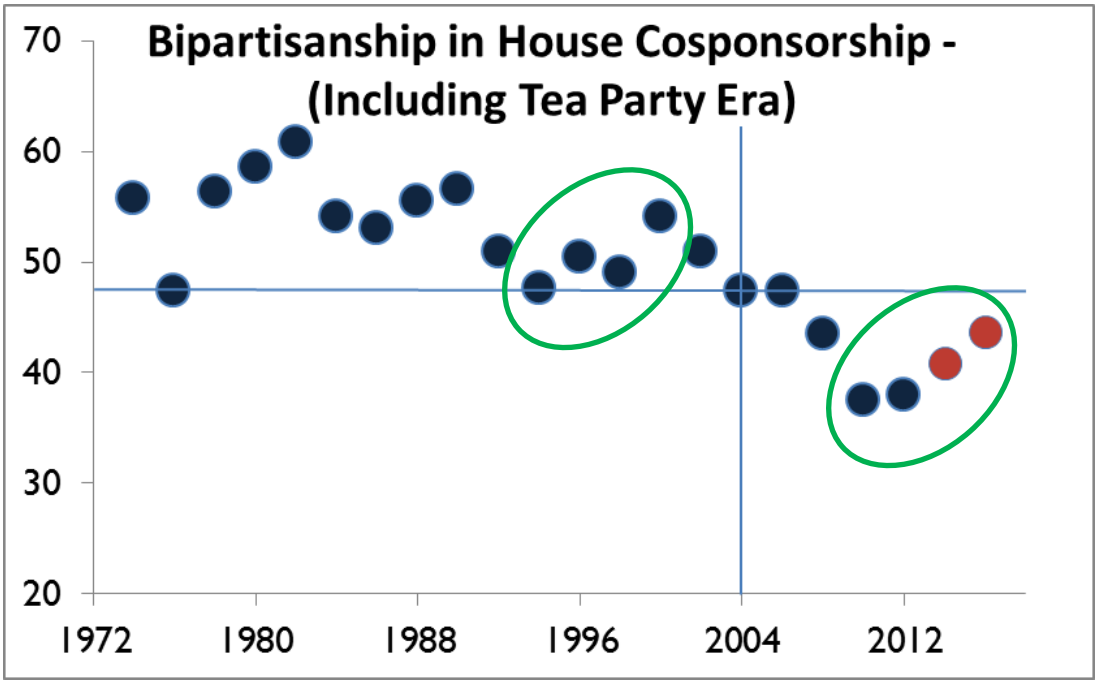


In terms of bipartisan cosponsorship, within six years (or three terms) from the grand entries of the classes of '94 and '10, bipartisan cosponsorship rates had risen considerably from period lows in the Congresses immediately prior to them. The proportion of bipartisan

[67] Keith Poole & Howard Rosenthal, 15 January 2017, "The Collapse of the Voting Structure—Possible Big Trouble Ahead," VoteView.

cosponsored bills had gone from 47.5% in the 103rd Congress to 54.1% in the 106th, and from 37.4% in the 111th Congress to 43.7% in the 114th (Fig. 4.3). I can make no real judgments without more closely examining the Republicans of 1994, but these two groups of legislators share a number of features including their ideological energy and the conservative principles undergirding their swing to power. That could suggest that a persistent phenomenon like the local-national dilemma has a hand in patterns of polarization and bipartisan cosponsorship.

Fig. 4.3 – Comparing Bipartisan Cosponsorship Trends for GOP Class of 1994/2010



What all this demonstrates isn't so much a direct moderation of ideology, but an indirect moderation reflecting the existential tension between district level and national politics. Bipartisanship isn't a perfect expression of ideology, but it is an indicator as to how that ideology manifests itself and whether legislators are willing to subjugate ideological interests to materially look after the district. This project deals with cosponsorship, and specifically cosponsorship across the aisle – if ideologically-minded legislators eschew all pork, then what else is there for

them to work on with other legislators? This is not to say that legislators still aren't very polarized or ideologically motivated, but it is critical to pay very close attention to what exactly it is that's being measured.

A fair question of this possible explanation stemming from the above discussion involves timing. Why wouldn't this existential tension, if it's so persistent, have led to more cooperation earlier on among increasingly polarizing legislators even before the Tea Party's entrance? If all members of Congress are subject to the local-national dilemma, why would bipartisan cosponsorship tick up now? I suggest that, once again, the special visibility of Tea Party legislators and the Republican freshmen in their same class holds that answer too. Many Tea Party freshmen from 2010 strode into office on very explicit promises to shrink government and eliminate earmarks than did their fellow conservative Republicans.

Prior to the 2010 elections, activists from the Tea Party Patriots drafted a "Contract from America", modeled on Newt Gingrich's 1994 "Contract with America", enumerating ten conservative principles by which online voters wanted Congressional Republicans to govern. Included in this list were calls for a mandatory balancing of the budget and the elimination of pork until that happened, whereupon earmarks would require a 2/3 majority vote. Sitting Republicans applauded the initiative, but only 5 sitting legislators signed it when it was unveiled in April 2010. Since that time, at least 30 Republican freshmen Representatives from 2010 signed the contract, indicating that a good deal of legislators would have been placed under this specialized pressure.[68] House leadership then essentially used the same idea, publishing their "Pledge to America" (or "America Speaking Out") a month later, which called for many of the same measures as the Contract with America – with the notable absence of the same explicit

[68] "Contract From America," 2015, Contract From America.

anti-pork provisions.[69] The fact that many of these Republican freshmen, Tea Partiers or not, were political novices without established relationships with other Congressmen would likely have led them to readily available forms of cooperation like cosponsorship.

Localism also explains why Congress has such low approval ratings, yet incumbent re-election rates consistently top 90%. According to Fenno's Paradox, people hate Congress as a whole. But if their legislator brings home pork for the district, then he or she, as a familiar entity, remains one of the few good ones in the eyes of his voters and can effectively run against the rest of Congress.[70] Here we see the importance of accountability, and why we must temper any expectations of a serious reversal of polarization any time soon. If voters simultaneously do not have access to good information about what their legislator is responsible for nationally, and he also manages to deliver pork to the district, the set of ideologically polarized legislators lack grand electoral incentives to moderate that polarized behavior or cooperate.

One current example highlighting the importance of district level interests and public accountability comes from March 2017, where the GOP-controlled Congress failed to execute their long-planned repeal of the Affordable Care Act (ACA) once they had control of Congress. Having conducted more than 50 votes to repeal the ACA over the previous seven years as the minority party and in divided government, Republican leaders' plans were stunningly thwarted. What was so stunning about the initial defeat of the repeal and replace bill – the Affordable Health Care Act (AHCA) – wasn't so much the predictable reciprocal united front put forth by Democrats (there appeared to be no Democratic defections before the scheduled vote, but the ACA was passed without a single Republican vote, too). It was the seemingly high number of

[69] Stephanie Mencimer, 26 May 2010, "GOP, Tea Party Part Ways Over Pork," Mother Jones,

[70] Richard Fenno, *Home Style: House Members in Their Districts,* (Boston: Little Brown, 1978).

Republicans who, publicly or privately, refused to support the Republican plan. Their reasons varied, and a number of members of the Freedom Caucus were in opposition because they felt the ACA repeal was not substantive enough, but a sizable contingent of the estimated 33 Republican defections (between 10 and 17) expressed concerns about effects on Medicaid, rises in premiums, and potential losses in coverage.[71]

Republicans faced scores of angry constituents in town halls across the country, with several legislators (including a few of those reported to have declined to support the repeal) publicly commenting on the volume and vehemence of calls opposing the effort.[72] Surmising the exact reasons for the assumption of a policy stance is difficult, especially where a vote doesn't take place and members can't publicly be held to account in the same way for positions they would have taken. But even so, all these pieces of information can at least serve as strong indications that many Republicans who comprised the difference between the repeal coming to a vote and its failure were informed by preferences at the district level. While many had expressed opposition to Obamacare for years, they likely heard the cries from their constituents opposed to its repeal and effectively ceded their position to those constituent interests. "All politics is local" according to legendary Speaker Tip O'Neill, and these politicians understood that their future in the legislature might have been jeopardized if they hadn't brought home the bacon – in this instance, by keeping Obamacare in place for the time being.

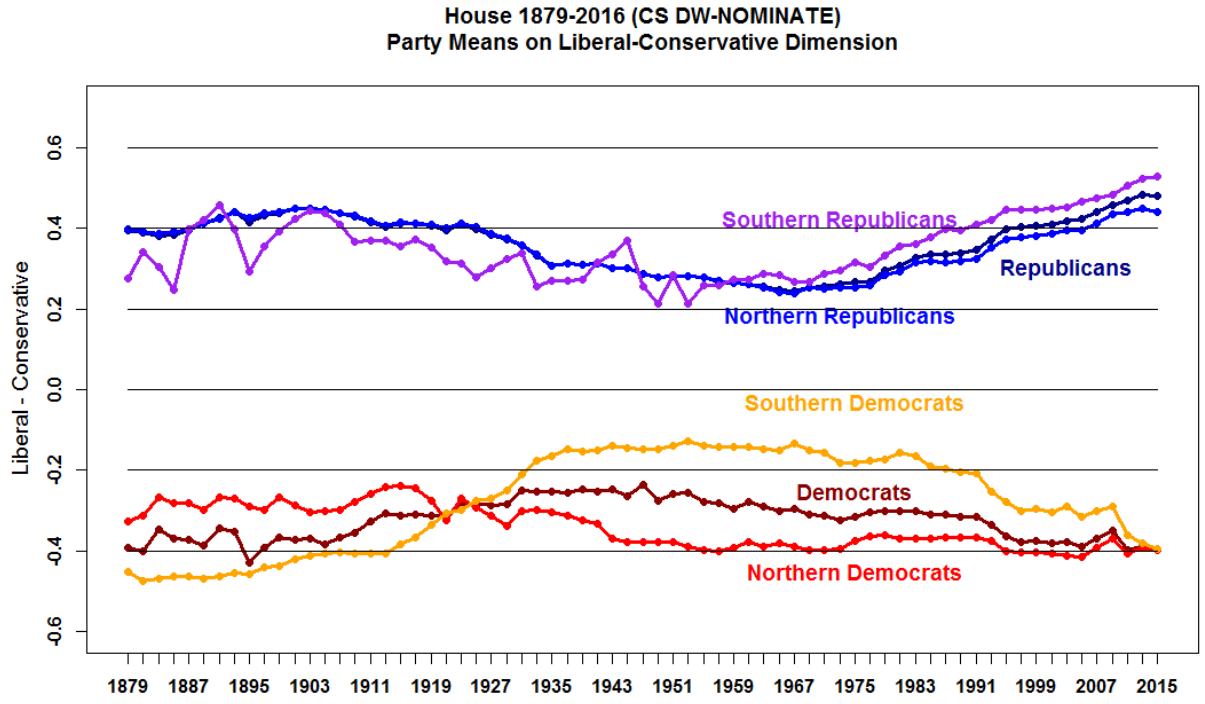
One piece of additional evidence which offers some correlative support for my findings and fits with my explanation of the situation actually comes from Poole and Rosenthal's DW-

[71] Mike DeBonis, et al., 24 March 2017, "GOP Health-care bill: House Republicans Abruptly Pull Their Re-write," *Washington Post,*

[72] Philip Bump, 24 March 2017, "Per House members, phone calls on the GOP health bill run 50-1 against," *Washington Post.*

NOMINATE scores. The most recent DW-NOMINATE scores for the 114th Congress (2015-2016) paint a very interesting picture. The distance between parties did continue to increase, but that increase was very slight. In fact, mean scores for House Republicans in the 114th Congress actually *decreased* for the first time since the 1980s (Fig. 4.4).[73] That in itself is highly significant in terms of the discussion of polarization, and seems to fit with the hypothesis that attrition from the highly-polarized GOP class of 2010—and the subtle behavioral moderations of those who managed to stick around—have contributed to the recent increase in bipartisan

Fig. 4.4 DW-NOMINATE Scores Including 114th Congress[74]



cosponsorship. It doesn't mean we should expect Republicans and Democrats to hold hands and sing kumbaya as one any time soon. Polarization still rose, which means that Democrats moved

[73] Keith Poole & Howard Rosenthal, 2017.

[74] Ibid.

leftward more than the Republicans did in moving closer to the center. But the fact that average Republican scores, for the first time in decades, didn't move further away from Democratic scores in a Republican controlled House and Senate—which Harbridge's framework says should lead to more floor attention for partisan bills—is encouraging.

What Lies Ahead

So then, what does all this mean for the future? Is the lawmaking process doomed to dwell under a surfeit of toxic political polarization? Or can we count on a bright future around the corner when it comes to achieving the sorts of compromise necessary in our democratic system? My findings indicate that high polarization still characterizes the House, but that it is possible that the worst of it has passed. Based on rates of bipartisan cosponsorship across all bills, bipartisan cosponsorship is down from the period from 1973-2004 as measured by Laurel Harbridge. However, the rates of bipartisan cosponsorship for the last two Congresses represent a rise from the historical low rates of the 110th and 111th Congresses. At the very least, this finding indicates that the polarization characterizing the last 30 plus years of Congress is not irreversible; that in turn adds to hopes that it isn't insurmountable either.

This sense of optimism, however, needs to be couched in caution. As previously mentioned, plenty of challenges still stand in the way of any serious reversal. Our polarized situation might have seen some moderation in terms of bipartisan cosponsorship, but nothing inherently prevents that improvement from being erased. My findings have also indicated that in spite of an increase in bipartisan cosponsorship over the last two Congresses, declines in the rate of bipartisan cosponsorship from pre-2004 rates have occurred in policy areas where bipartisanship has already been low historically. Declines in bipartisan cosponsorship in a policy

area like Transportation also show that not even historically high-bipartisanship areas are necessarily spared from suffering in bipartisan content after years of polarization. Additionally, a set of legislators we should expect to be among the most bipartisan in the House—members in the most competitive districts—cosponsored a lesser proportion of bipartisan cosponsored bills than did their counterparts just 10 years beforehand. To ensure that polarization among legislators doesn't continue to rise, voters have to prove that they can hold legislators accountable for the positions they take. There are strong reasons to believe that voters aren't yet there with institutional obstacles still standing in the way of that ability.

I suspect that we will not see further decline in bipartisan cosponsorship for the time being. Division (or ideological sorting) is high in this country, and especially in the last presidential election. The best predictor of voting for Donald Trump or Hillary Clinton was party affiliation, which would seem to signal some serious polarization.[75] Additionally, a surprising Republican victory and retaking of the Senate re-emboldened members of the GOP. However, some members of the Republican party, including some of the most outspoken members, in anticipation of a defeat in the presidential election behaved in ways which signaled room for conciliation. For instance, Darrell Issa, one of the most fervent Republican crusaders during the Benghazi investigations, made a number of comments indicating disagreement with Donald Trump's policy positions on immigration ahead of the election. That implies at the least a willingness to adopt new positions based on shifting circumstances; that sort of malleability is key if the distance between parties is to shrink.

[75] ClearerThinking.org, 2016, "Strongest Predictors of Voting for Trump/Clinton."
…or it signals better sorting, depending on whether you side with Fiorina or Abramowitz.

However, as previously mentioned, for things to get substantively better, people need to have the ability to hold legislators accountable for detrimental policies put in place. That requires access to clear information, which legislators firmly resist handing out for free. Political obfuscation is a tactic which will likely only end when constituents/electors demand its exit. But that can only happen when they can be clearly informed that it is a problem, and so the cycle continues. An example of this sort of behavior comes in what are called 'dead on arrival' bills. In 2014, Republican Senators and Representatives on social media used the 'Stuck in the Senate' hashtag to attempt to call public attention to Democratic refusal to consider certain Republican prompted measures. What these Senators didn't explain to the public is that many of those bills which were #StuckInTheSenate were in fact designed to be passed by House Republicans without any intention or expectation of ever reaching the Senate floor. These bills are used as electoral tools, to attempt to arouse public indignation and attract interest group support surrounding what seems like serious Congressional dysfunction.[76] But without access to good information, the public mainly saw just the hashtag, and thus just the message these Republicans were trying to send. Accountability suffers in these scenarios, but so long as they are perceived to have an electoral benefit, chicanery and obfuscation like this won't stop.

Nevertheless, when it can be mustered, intense public scrutiny of the caustic division in the House and Senate seems to be correlated with a local rise in bipartisan cosponsorship. One of the most salient examples of this phenomenon is the 2013 federal government shutdown, when no deal could be reached to extend the federal debt limit for close to two weeks. The impact of the shutdown cut across political classes and was highly covered by American media. The fight was primarily cast as an ideological showdown between House Republicans and President

[76] Jeremy Rich Gelman, 2016, "Why Bills Fail: Electioneering with the Legislative Agenda."

Obama as leader of the Democratic Party, with 'gridlock', 'impasse', and like terms coloring national headlines. House Republicans finally relented and passed a budget and debt limit extension offered by the Senate when it became clear that President Obama would not offer substantive concessions on his health law. The President's negotiating position was strong because of public opinion. Poll ratings sank for Republicans, with 2/3 of Republican voters expressing disapproval of the shutdown.[77] 53% of Americans blamed the GOP alone as opposed to Obama or both sides equally sharing blame.[78]

The weight of public opinion against the consequences of such bitter partisan gridlock in part drove bipartisan action to resolve the debt limit crisis, with 87 Republicans crossing party lines to pass the Senate's measure in the House.[79] That clear public reaction to a Congress severely maligned for this display of polarization is suggestive of the potential for a stronger reaction to perceived polarization and a response from the elected to that reaction. Republican leadership conceded in this instance with little to show for it, likely at least in part because the public appeared angry enough to punish them – more bipartisan activity subsequent to that might help assuage that public anger. The point is, when electoral fortunes are at stake and legislators can be held accountable to the people, they often will adopt the position that keeps them afloat. And that frequently means subverting polarized ideological positions to meet a majority of constituents and working with other legislators to mutually deliver for their respective districts.

[77] Jonathan Weisman and Ashley Park, 16 October 2013, "Republicans Back Down, Ending Crisis Over Shutdown and Debt Limit," *New York Times.*
[78] Dan Balz and Scott Clement, 22 October 2013, "Poll: Major damage to GOP after shutdown, and broad dissatisfaction with government," *Washington Post.*
[79] Weisman and Park, 2013.

Steps for Future Research

This project primarily focused on ascertaining rates of bipartisan cosponsorship– across all bills, in certain select policy areas, and by member. Before anything, future research ought to incorporate measures of bipartisan cosponsorship which better account for weight within a cosponsorship. This step would reduce the problems associated with declaring bills as partisan or bipartisan based on a percentage threshold. Measurements of bipartisan cosponsorship by individual members should also factor in a member's frequency of cosponsoring bills from the opposite party, whether or not that bill met a percent standard of bipartisanship.

Building on these findings should also be about expanding the reach of those policy categories. If possible, all policy areas should be looked at, as Harbridge did, to find out where exactly decreases proportions of bipartisan cosponsorship have occurred. Just as importantly, discovering the policy areas where the bulk of the recent rise in bipartisan cosponsorship can be found would be quite illuminative. We shouldn't expect all policy areas to have experienced a rise in bipartisan cosponsorship over the same two Congresses, but is the overall rise composed of large increases in only a few areas? Are these small increases spread out relatively evenly across many policy areas? Could we have substantial increase in some areas and substantial decrease elsewhere? Locating where precisely these changes have occurred will grant better indications of where polarization is deepest and most entrenched in preventing bipartisan agreement and where other circumstantial factors overtake polarization in importance.

A more complete expansion of this examination of bipartisan cosposorship should also strive to ask questions about *when* displays of bipartisanship occur. As I noted in Chapter 3, it appears that cosponsorship tends to trail off in the final months of a Congress, but the

cosponsorship that can be found is more likely to be bipartisan. Even though this legislation is less likely to find its way to the floor or become law, should the bipartisan character of its cosponsorship be taken as an expression of true member position on an issue (with the knowledge that taking a stance contrary to their own party's is less likely to be publicly exposed in a vote this late in the session)? Or is cosponsorship at this time more about padding resumes at the end of a session, or other motivations? If bipartisan cosponsorship occurs more at certain times than others, can this be traced to a particular phenomenon which promotes or inhibits members' expression of policy position? Identifying an inhibiting or promotive factor offers further insight into when and where we can expect members to express bipartisan agreement, hopefully with the outcome of policy produced via compromise and bipartisan agreement.

One final step for further research is to put theories of localism and the Tea Party to the test by following the GOP class of 2010 to see who cosponsors where, when they cosponsor, and whether they last in Congress. Proving the theory to be right, or maybe completely wrong, could grant perspective on how to promote bipartisanship given present conditions, or how to alter those conditions to yield more bipartisanship.

Conclusion

This project morphed a great deal from its original state to its present form. I initially began with an interest in exploring party cohesiveness in an era of polarization for a body which has historically lacked party cohesiveness relative to that of parties in other countries. What I found, however, is that polarization as an issue is far more complex than perhaps I gave it credit for initially, and deserved its own inquiry. If political science as a discipline aims to play a role in optimizing the political process and the policies borne of that process, then better

understanding polarization and its place in American politics is essential. This thesis project offers only a modest contribution to that effort, but it updates and reinforces some important pieces of knowledge. Namely, that measuring and truly capturing polarization must involve more than snapshots of the end of the process in roll-call votes; that bipartisan cosponsorship is still in relatively rough straits compared to its steady performance through the early 2000's; and that there may be some signs of hope yet for a less polarized, more cooperative Congress.

Bibliography

Abramowitz, Alan I. and Morris P. Fiorina. 11 March 2013. "Polarized or Sorted? Just What's Wrong With Our Politics, Anyway?" *The American Interest*. http://www.the-american-interest.com/2013/03/11/polarized-or-sorted-just-whats-wrong-with-our-politics-anyway/

Adler, E. Scott and John D. Wilkerson. *Congress and the Politics of Problem-Solving*. New York: Cambridge University Press, 2012.

Americans for Democratic Action. 2010. "The ADA 2010 Voting Record: 111th Congress, 2nd Session." ADA. http://www.adaction.org/media/votingrecords/2010.pdf

Arnold, R. Douglas. "Can Inattentive Citizens Control Their Elected Representatives?" in Lawrence C. Dodd and Bruce I Oppenheimer (eds.), *Congress Reconsidered,* 5th ed. (Washington: CQ Press, 1993), pp. 401-416. https://www.princeton.edu/~arnold /research/CongressReconsidered.pdf

Ballotpedia. 2016. "United States House of Representatives Elections, 2014." *Ballotpedia: The Encyclopedia of American Politics*. https://ballotpedia.org/United_States_House _of_Representatives_elections,_2014

Ballotpedia. 2016. "United States House of Representatives Elections, 2016." *Ballotpedia: The Encyclopedia of American Politics*. https://ballotpedia.org/United_States_House_of _Representatives_elections,_2016

Balz, Dan and Scott Clement. 22 October 2013. "Poll: Major damage to GOP after shutdown, and broad dissatisfaction with government." *Washington Post.* https://www.washingtonpost.com/politics/poll-major-damage-to-gop-after-shutdown-and-broad-dissatisfaction-with-government/2013/10/21/dae5c062-3a84-11e3-b7ba-503fb5822c3e_story.html?utm_term=.a888d0e618d4

Berman, Russell. 22 February 2016. "The Class of 2010 Heads Home." *The Atlantic*. https://www.theatlantic.com/politics/archive/2016/02/house-republican-tea-party-class-2010-leaves-congress/463227/

Bonica, Adam. 2014. "Mapping the Ideological Marketplace." *American Journal of Political Science* 58, no. 2: 367-86. http://www.jstor.org/stable/24363491.

Boudreau, Catherine. 16 August 2016. "A 2017 Farm Bill?" *Politico*. http://www.politico.com/tipsheets/morning-agriculture/2016/09/a-2017-farm-bill-farm-aid-to-spotlight-low-commodity-prices-senate-child-nutrition-bill-on-the-move-216369

Bump, Philip. 27 March 2017. "Per House members, phone calls on the GOP health bill run 50-1 against." Washington Post. https://www.washingtonpost.com/news/politics/wp/2017/03/24/per-house-members-phone-calls-on-the-gop-health-bill-run-35-to-1-against/?utm_term=.330d27756fea

Carrubba, Clifford, and Matthew Gabel. 2008. "Legislative Voting Behavior, Seen and Unseen: A Theory of Roll-Call Vote Selection." *Legislative Studies Quarterly* 33, no. 4: 543-572. http://www.jstor.org/stable/40263475.

Carson, Jamie L., Charles J. Finocchiaro, and David W. Rhode. 2010. "Consensus, Conflict, and Partisanship in House Decision Making: A Bill-Level Examination of Committee and Floor Behavior." *Congress and the Presidency* 37, no. 3: 231-253.

ClearerThinking.org. 2016. "Strongest Predictors of Voting for Trump/Clinton." Clearer Thinking.org. http://programs.clearerthinking.org/trump_clinton/trump_clinton_analysis.htm

Cook Political Report. 1 May 2017. "2018 House Race Ratings for May 1st, 2017." *Cook Political Report*. http://cookpolitical.com/house/charts/race-ratings

Cox, Gary W. and Mathew D. McCubbins. *Setting the Agenda: Responsible Party Government in the House of Representatives*. New York: Cambridge University Press, 2005

Davidson, Roger H., Walter J. Oleszek, Frances E. Lee, & Eric Schickler. *Congress and Its Members, 14th ed.* United States: CQ Press, 2014.

DeBonis, Mike. 26 May 2016. "Sen. Orrin Hatch Reacts to Meeting with Merrick Garland Before It Occurs." *Washington Post.* https://www.washingtonpost.com /news/powerpost/wp/2016/05/26/sen-orrin-hatch-reacts-to-meeting-with-merrick-garland-before-it-occurs/

DeBonis, Mike, Ed O'Keefe, and Robert Costa. 24 March 2017. "GOP health-care bill: House Republican leaders abruptly pull their re-write of the nation's health-care law." *Washington Post*. https://www.washingtonpost.com/powerpost/house-leaders-prepare-to-vote-friday-on-health-care-reform/2017/03/24/736f1cd6-1081-11e7-9d5a-a83e627dc120_story.html?utm_term=.7243c22af114

Desposato, Scott, et al. 2011. "Using Cosponsorship to Estimate Ideal Points." *Legislative Studies Quarterly*, 36(4), 531-565. http://www.jstor.org/stable/23053276

Devins, Neal. 2015. "Measuring Party Polarization in Congress: Lessons from Congressional Participation as Amicus Curiae." *Case Western Reserve Law Review* 65, no. 4: 933-1026. *Academic Search Complete*, EBSCOhost.

Ferraro, Thomas. 2010. "Republican would back Garland for Supreme Court." *Reuters.* http://www.reuters.com/article/us-usa-court-hatch-idUSTRE6456QY20100506

Richard Fleisher and John R. Bond, July 2004, "The Shrinking Middle in the US Congress," *British Journal of Political Science* 34(3), 429. https://www.jstor.org/stable/4092328?seq=6#page_scan_tab_contents

Gallup. 2017. "Congress and the Public." Gallup. http://www.gallup.com/poll/1600/congress-public.aspx

Gelman, Jeremy R. 2016. "Why Bills Fail: Electioneering with the Legislative Agenda." https://deepblue.lib.umich.edu/bitstream/handle/2027.42/133425/jgelman_1.pdf?sequence=1&isAllowed=y

Gross, Terry. 7 June 2016. "Revisiting the Tenure of Supreme Court Justice Louis Brandeis, The 'Jewish Jefferson'." *NPR*. Interview. http://www.npr.org/2016/06/07/481076322/revisiting-the-tenure-of-supreme-court-justice-louis-brandeis-the-jewish-jeffers

Harbridge, Laurel. *Is Bipartisanship Dead?* New York: Cambridge University Press, 2015.

Harbridge, Laurel. 4 May 2015. "Congress is more bipartisan than you think." *Washington Post.* https://www.washingtonpost.com/news/monkey-cage/wp/2015/05/04/congress-is-more-bipartisan-than-you-think/?utm_term=.dce2774aca28

Koger, Gregory. May 2003. "Position Taking and Cosponsorship in the U.S. House," *Legislative Studies Quarterly* 28(2), 225-246.

The Lugar Center, 2017, "Bipartisan Governance – the Bipartisan Index," http://www.thelugarcenter.org/ourwork-Effective-Bipartisan-Governance.html

McCarty, Nolan, Keith T. Poole, and Howard Rosenthal. *Polarized America: The Dance of Ideology and Unequal Riches – 2nd ed.* Cambridge, MA: MIT Press, 2016.

Nixon, Ron. 5 February 2012. "Congress Appears to Be Trying to Get Around Earmark Ban." *New York Times*. http://www.nytimes.com/2012/02/06/us/politics/congress-appears-to-be-trying-to-get-around-earmark-ban.html

Peterson, Andrea. 22 May 2014. "Why 76 lawmakers just voted against their own bill to reform the NSA." *Washington Post*. https://www.washingtonpost.com/news/the-switch/wp/2014/05/22/why-76-lawmakers-just-voted-against-their-own-bill-to-reform-the-nsa/?utm_term=.0a5afcd231b3

Poole, Keith & Howard Rosenthal. 1983. "A Spatial Model for Legislative Roll Call Analysis." Working Paper. http://voteview.com/pdf/Upside_Down-A_Spatial_Model_for_Legislative_Roll_Call_Analysis_1983.pdf

Poole, Keith T. & Howard Rosenthal. May 1985. "A Spatial Model for Legislative Roll Call Analysis." *American Journal of Political Science* 29, no.2: 357-384.

Poole, Keith & Howard Rosenthal. 15 January 2017. “The Collapse of the Voting Structure—Possible Big Trouble Ahead.” VoteView. https://voteviewblog.com/

Quorum. 20 December 2016. “Congressional Productivity Increases, But Lags Behind Historical Averages.” Quorum. http://info.quorum.us/114th-congressional-productivity-numbers-press-release

Scott, Eugene and Ted Barrett. 27 October 2016. “Cruz cites ‘long historical precedent’ of SCOTUS vacancies, lays ground for potential fight.” *CNN.* http://www.cnn.com/2016/10/27/politics/ted-cruz-supreme-court/

Reynolds, Molly E. 15 February 2016. “Why are junior members retiring from Congress?” *Brookings Institute*, https://www.brookings.edu/blog/fixgov/2016/02/17/why-are-junior-members-retiring-from-congress/

Snyder, James M. 1992. "Artificial Extremism in Interest Group Ratings." *Legislative Studies Quarterly* 17, no.3: 319-45. http://www.jstor.org/stable/439733.

Theriault, Sean M. 1 January 2006. “Party Polarization in the U.S. Congress: Member Replacement and Member Adaptation.” *Party Politics* 12(4): 483-503 http://ppq.sagepub.com/content/12/4/483.full.pdf+html

Weisman, Jonathan & Ashley Park. 16 October 2013. “Republicans Back Down, Ending Crisis Over Shutdown and Debt Limit.” *New York Times.* http://www.nytimes.com/2013/10/17/us/congress-budget-debate.html

White House. 2016. “The Senate’s Constitutional Responsibility to Act.” White House.gov. https://www.whitehouse.gov/scotus

Zinn, Jim. *Supremely Partisan: How Raw Politics Tips the Scales in the United States Supreme Court.* United States: Rowman and Littlefield, 2016.

Matthew Melchior Mrozek was born on May 25th, 1994 in Dallas, TX. After graduating from the Episcopal School of Dallas, he enrolled at the University of Texas at Austin in Plan II Honors and Government, studying at IAU College in Aix-en-Provence, France for the spring term of his junior year. In college, he learned to passably speak French, tutored high schoolers at Reagan High, and never won an intramural soccer champion shirt… He graduated Phi Beta Kappa in 2017, and will move to Chicago in the fall to serve with AmeriCorps in Chicago public schools, with the intention of returning to school the following year to pursue a law and public affairs degree.